

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1090 of 2017

Arising Out of PS.Case No. -223 Year- 2016 Thana -RAHUI District- NALANDA
(BIHARSHARIFF)

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1. Meena Devi, daughter of Suresh Yadav, resident of Village - Musepur,
P.S. - Rahui (Bhagan Bigha), District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md.Imteyaz Ahmad, Advocate

For the Opposite Party/s : Mr. Madhuranand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 09-03-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 302/120B of
the Indian Penal Code.

Allegation against the petitioner and others is that
they committed murder of the mother of the informant by
throttling her. The informant claims to be an eyewitness of the
occurrence and reason for the occurrence is that the petitioner had
greedy eye on the property of the deceased.

Submission of the petitioner is that husband of the
deceased had already executed registered sale deed on
28.02.2014, whereby he sold away the entire property in favour of



the husband of the petitioner. Thereafter, the informant is in civil litigation with the petitioner and for that reason just to pressurize false allegation has been levelled. In fact informant is not an eyewitness of the occurrence.

Further submission is that the case-diary would reveal that witnesses have stated that the deceased fell near the water hand pump and sustained injury as a result whereof she died. No other eyewitness has supported the allegation.

On the other hand, learned counsel for the informant opposed the prayer on the ground that the informant is the eyewitness of the occurrence and she has specifically supported the allegation.

Considering the fact that motive of the occurrence is not acceptable as the petitioner and other accused were not going to take the property of the deceased only after death of the deceased. Moreover, the informant had some grudge for false implication because she is the daughter of the person, who had sold away the property in favour of the petitioner. Civil litigation is also going on between the parties.

Considering the aforesaid facts, the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the



order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Nalanda at Biharsharif/Successor Court in connection with Rahui (Bhagan Bigha) Police Station Case No.223 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Birendra Kumar, J)

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