

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13132 of 2017

Arising Out of Complaint Case No.-356 (c) Year- 2015 Thana -PATNA COMPLAINT CASE
District- PATNA

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1. Ganaur Roy, Son of Jagnarayan Roy,
2. Rupa Roy, W/o Ganaur Roy, both 1 & 2 are resident of Village Sabnima, P.S. Athmalgola, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Binod Rai, S/o Late Kamta Rai, Resident of Village Pachhiyari Malahi, P.S. Barh, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amar Prakash

For the Opposite Party/s : Smt. Reena Sinha

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 22-03-2017 Heard the parties.

The petitioners are apprehending their arrest in connection with Complaint Case No. 356(C)/2015 registered for offences punishable under Sections 302/120(B) of the Indian Penal Code.

Initially a case, vide Athmal Gola P.S. Case No. 241 of 2013, was registered against unknown on the basis of fardbeyan given on 14.11.2013 by one Binod Rai. In course of investigation, the informant suspected some foul play on the part of the Investigating Agency, filed a protest petition on 13.12.2013 alleging that these petitioners in conspiracy with four others



committed murder of his brother with intention to grab his money, which was given by him as loan.

The counsel for the petitioners submits that the matter was investigated and final form was submitted by Police as there was no any legal and cogent evidence on record against the petitioners. There is no incriminating material against them but the court below took cognizance on the basis of the protest petition. He further submits that the deceased died in a rail accident and his dead body was recovered by the side of the railway line.

The learned A.P.P. opposed the submission of the petitioner.

It appears that immediately after lodging the First Information Report, the informant filed a protest petition wherein it has been specifically alleged that the deceased was at visiting term with the accused persons. The petitioner, Ganaur Roy had taken loan to the tune of Rs. 55,000/-, which in spite of repeated demand, was not being returned and on 13.11.2013, they called his brother at their place to collect the said amount and thereafter, his dead body was found near the railway line.

Considering the specific allegation of grabbing the money of the deceased, which was taken by the petitioner,



Ganaur Roy, I am not inclined to grant privilege of anticipatory bail. The prayer of petitioner no. 1, Ganaur Roy is rejected.

So far petitioner no. 2, Rupa Roy is concerned, she is wife of petitioner no. 1 and nothing specific has been alleged against her in the protest petition. In this view of the matter, let petitioner no. 2, namely, Rupa Roy, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be admitted on bail on furnishing bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Barh (Patna) in connection with Complaint Case No. 356(C)/2015, subject to the conditions as laid down under section 438(2) Cr.P.C.

(Sanjay Kumar, J)

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