

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.55784 of 2017

Arising Out of PS.Case No. -8 Year- 2017 Thana -CHANDAUTI District- GAYA

- =====
1. Munna Prasad, son of Ram Chandra Prasad
 2. Chandrawati, wife of Munna Prasad
 3. Arun Kumar, son of Munna Prasad
 4. Subbi Kumari, daughter of Munna Prasad
- All are resident of Village-Dulhin Bazar, P.S.-Dulhin Bazar,
District-Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 18-01-2018 The petitioners seek bail in anticipation of their arrest in connection with Chandauti P.S. Case No. 8 of 2017 dated 15.01.2017 instituted for the offences under Sections 302, 120B, 34 of the Indian Penal Code and Section 27 of the Arms Act.

The brother of the informant was killed and this fact was made known to the informant by the local police who had found the dead body along with a bag and from the bag, a Cheque book was recovered on which the name of the deceased was inscripted. The informant has further stated that his younger brother (deceased) though was married but had fallen in love with one Subbi Kumari (petitioner No. 4) and always visited her house. He had been spending money on the family of the petitioners and in fact he had also undertaken to sell the portion of land which fell



in the share of the informant for the purposes of spending that money on the family of petitioner No. 4. This was communicated to petitioner No. 1 by the informant but the petitioner No. 1, who is the father of petitioner No. 4 did not do anything to prevent the deceased from coming to his house. As such, the informant suspected the hands of the petitioners in killing the deceased.

During the course of investigation, nothing concrete could be collected against the petitioners and some of the witnesses whose statements have been recorded in para 6, 14, 15 and 16 of the case diary have testified to the fact that because of the illicit relationship between the deceased and petitioner No. 4, the matrimonial relationship between the deceased and his wife had become very strained. Those witnesses have also stated that the persons who have given him money in lieu of transfer of land and which land could not be vended to them, had been clamouring for the return of the money.

Learned counsel appearing for the petitioners has submitted that admittedly the deceased had been spending recklessly over petitioner No. 4 and therefore, there was no occasion for the petitioners to have done away with the deceased. He has further submitted that petitioner No. 1 was aware of the relationship which was continuing between the deceased and



petitioner No. 4 but he did not object to the same. In this background, it has been suggested, it would be difficult to presume that the petitioners had conspired and killed the deceased. On the contrary, it is submitted that the deceased might have been killed by his own persons or such persons who had parted with their money but the deceased was not in a position to convey the land which was promised to be sold. Apart from the suspicion and that also based on the illicit relationship of deceased with petitioner No. 4, there is no other material to connect the petitioners with the offence.

Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before learned Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Chandauti P.S. Case No. 08 of 2017.

(Ashutosh Kumar, J)

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