

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56730 of 2017

Arising Out of PS.Case No. -238 Year- 2017 Thana -KARAHGAR District- SASARAM (ROHTAS)

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Birendra Singh S/o Sri Ramjee Singh R/o Village-Harinampur, P.S.
Kargahar (Barhari), District-Rohtas.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Sri Tarun Prasad Mandal

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 12-01-2018

Heard the counsels for the parties.

The petitioner seeks bail in connection with Kargahar (Barhari O.P.) P.S. Case No. 238 of 2017 dated 27.08.2017 instituted for the offences under Sections 302, 201, 467, 468, 420, 34 of the Indian Penal Code.

The informant is the daughter of the deceased who has alleged that she being the only child of her father, the deceased used to live with her at Saraiya. It has further been alleged by her that on one occasion, the petitioner and his father came to her and sought permission to take her father to the village for some time. Later, it has been alleged that the informant was conveyed that the deceased has executed his property to the petitioner and his father and has also died. This information was



given to the informant by the local villagers of her father's village. Without informing her, the informant has alleged, the petitioner and his father cremated the deceased at Buxar.

Learned counsel for the petitioner has submitted that the deceased died a natural death and because the petitioner and his father were directly related to the deceased and female folk of the house are not permitted to perform the last rites, the deceased was cremated at Buxar. Be it noted that apart from the informant, there was no other child of the deceased. During the course of investigation, one of the relatives of the informant whose statement has been recorded in para 27 of the case diary and an independent person whose statement has been recorded in para 22 of the case diary have stated that the deceased died a natural death. Considering the aforesaid facts, the father of the petitioner (another co-accused) has been granted bail by a Bench of this Court vide order dated 22.12.2017 passed in Cr. Misc. No. 56325 of 2017.

The petitioner is in custody since 29.08.2017.

Taking into account the aforesaid facts, this Court is inclined to grant bail to the petitioner.

The petitioner, above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten



thousand) with sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Rohtas, Sasaram in connection with Kargahar (Barhari O.P.) P.S. Case No. 238 of 2017.

(Ashutosh Kumar, J)

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