

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6270 of 2018

Arising Out of PS. Case No.-68 Year-2014 Thana- KARJA District- Muzaffarpur

Arjun Ram, Son of Tulsi Ram, Resident of Village- Mansurpur Chamarua,
P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-02-2018 Heard learned Counsels for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 302 and 201 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report dated 17.05.2014 submitted by Kamleshwar Ram to the Station House Officer, Karja Police Station, to the effect that Ranju Devi the sister of the informant was married with Rajesh Ram about 10 years prior the lodging of the case. After three years of marriage, the brother-in-law of the informant Rajesh Ram died and thereafter the sister of the informant began residing separate from her in-laws. The brother-in-law of the sister of the informant namely Mantosh Ram, Rajkishore Ram



and Raj Kumari Devi used to torture the victim so that she may forego her claim over the in-laws property. On 17.05.2014 when the informant reached the in-laws village of his sister, to meet her, he was conveyed by her eight years old niece Anjali Kumari that on 16.05.2014 at 11.00 PM, co-accused Mantosh Ram killed her mother by assaulting her. When the informant enquired from the neighbouring people, then he came to know that she died due to the assault and the dead body was disposed of by Manoj Ram and the son of an auto rickshaw owner namely Tulsi Ram.

It is submitted by learned counsel for the petitioner that neither the petitioner is the family member of the in-laws of the informant's sister nor there is any accusation of torture or assault against him. The only accusation levelled against him is that the dead body of the informant's sister was taken to the river embankment through an auto rickshaw. The auto rickshaw is registered in the name of the father of the petitioner and even assuming the accusation, at best a case is made out under Section 201 of the I.P.C. which is bailable. Moreover, Raj Kishore Ram, the brother-in-law of the informant's sister has been acquitted vide judgment of acquittal passed in Sessions Trial No. 784 of 2016 due to lack of evidence and Raj Kumari Devi, the sister-in-law of the informant's sister has been granted



anticipatory bail by a co-ordinate Bench of this Court vide Criminal Miscellaneous No. 52939 of 2017. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur learned APP for the State that there is specific accusation against the petitioner.

Considering the thrust of accusation against the in laws of the informant's sister and that the accusation of torture and assault is not against this petitioner, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Muzaffarpur in connection with Karja P.S. Case No.68 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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