

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62108 of 2018

Arising Out of PS. Case No.-155 Year-2017 Thana- PIYAR District- Muzaffarpur

Manjesh Ram, S/o Bishundeo Ram, R/o Village- Ratanmania Pirapur, P.S.-
Piar, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 12-12-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 364, 302, 120B/34 of
the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of
Dharmendra Kumar, recorded by S.I. Upendra Narayann Shahi
of Piar Police Station on 08.12.2017 at 8.00 A.M., to the effect
that on the same day at 02.00 A.M., in the night, the mother of
the informant, Satiya Devi was sleeping in her house, in the
meantime, six accused persons, including the petitioner, came
and took the mother of the informant in the nearby field and
throttle her.

It is submitted by learned counsel for the petitioner that in
fact the petitioner is the agnate of the informant and due to



earlier dispute the present case has been lodged against the petitioner. In fact, in the name of the victim some loan was taken from the bank (self help group) and for avoiding repayment of the said loan, the informant and others have virtually killed her and in order to save their own skin, the petitioner and others have been roped in in the present case. This fact has been suggested by all the independent witnesses whose statement has been recorded in paragraph nos. 29, 30, 31, 32, 33 of the case diary. It is further submitted that the conduct of the informant itself creates doubt since the informant saw the occurrence, but he did not make any resistance. It is further submitted that the statement of the deceased's husband has not been recorded in the FIR till date. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

The aforesaid contentions of the learned counsel for the petitioner has not been controverted by learned APP for the State, after going through the case diary that the statements of the aforementioned paragraph in the case diary reflects that in fact the informant himself was instrumental in killing of the victim.

Considering the unreasonable conduct of the



informant, coupled with statement of the independent witnesses in the case diary, who have not supported the prosecution case and raise suspicion against the informant, 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 CJM, Muzaffarpur, in connection with Piar P.S. Case No.155 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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