

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64559 of 2018

Arising Out of PS. Case No.-174 Year-2018 Thana- SAKRA District- Muzaffarpur

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Ram Lakhan Rai @ Ram Lakhan Ray @ Lakhan Rai Son of Late Gyanchand
Raum Resident of Village- Baji Bujurg, P.S.- Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Sri Chandrasen Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL ORDER

3 13-02-2019 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Sakra (Bariyarpur O.P.) P.S. Case No. 174 of 2018/ G.R. No.
2149 of 2018 for the offence punishable under Sections 302, 201
and 34 of the Indian Penal Code.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has not committed any offence. In fact, the occurrence took place
on 24.04.2018 whereas the instant F.I.R. has been lodged on
07.05.2018 after lapse of 12 days, which creates doubt over the
prosecution version. The deceased died his natural death at the
age of 94 years and entire villagers and relatives have
participated in his cremation except the informant, which is
evident from annexure-2 series. The deceased himself had also
filed a informatory petition against the informant on 25.04.2017



which is evident from annexure-3. Moreover, there was cordial relation between the petitioner and the deceased as a result, a sale deed was executed between them, which is at annexure-4. Although according to post mortem report, the deceased died due to Asphyxia as result of pressure over neck but, as a matter of fact, the dead body was found in decomposed condition and no mark of assault has been found on the dead body, which is evident from the inquest report prepared by the Investigation Officer at paragraph 42 of the case diary. Hence, the petitioner may be granted the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the, above named, petitioner in the event of surrender within a period of four weeks be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Judge-XIII -cum- ACJM, Muzaffarpur in connection with Sakra (Bariyarpur O.P.) P.S. Case No. 174 of 2018/ G.R. No. 2149 of 2018 subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Arvind Srivastava, J)

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