

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11020 of 2020

Arising Out of PS. Case No.-76 Year-2019 Thana- MAHINDWARA District- Sitamarhi

Sugan Rai Son of Ganesh Rai Resident of Village - Bagahi Gaushnagar, P.S.-
Mahindwara, Distt - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Jha, Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 15-06-2020 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Mahindwara P.S. Case No. 76 of 2019 registered for the offence under Sections 302, 120(B)/34 of the Indian Penal Code.

In the First Information Report, the informant has alleged that he & his father negotiated for purchasing 17 katha land from one Fuldeo Rai on cost of Rs. 8,00,000/- (eight lacs) in the year 2014 and made payment of Rs. 5,59,000/- (five lacs & fifty nine thousand). It is further alleged that on 12-06-2019, they paid Rs. 1,50,000/- (one lac & fifty thousand) to Fuldeo Rai and requested to execute the land with assurance to pay the rest amount of Rs. 91,000/- (ninety one thousand) at the time of



execution of land, but Fuldeo Rai asked to pay Rs. 17,00,000/- (seventeen lacs), then he (Fuldeo Rai) will execute the land. Therefore, the informant & his father suspected that they were cheated by Fuldeo Rai and thereafter, they demanded their all paid amount, which was refused by Fuldeo Rai and he ordered other FIR named accused, including the petitioner, to kill them, as a result of which, they (accused) started assaulting informant and his father and thus, informant's father fell down and died on the spot.

It is submitted on behalf of petitioner that petitioner is innocent and has committed no offence and he has falsely been implicated in this case. There is general and omnibus allegation. Except suspicion, there is nothing against the petitioner. From perusal of *post-mortem* report (Annexure 4 to the petition), it appears that there is no external injury on the body of deceased. Hence, cause of death could not be ascertained and as such, the *post-mortem* report does not support the prosecution case. It is further submitted that two similarly situated co-accused have already been granted anticipatory bail by this Court, vide order dated 18-12-2019 passed in Cr.Misc. No. 81948 of 2019 (Annexure 5 to the petition).

Considering the aforesaid facts and circumstances, the



bail application is allowed.

In the event of arrest or surrender within a period of six weeks from today, let the above-named petitioner be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Mahindwara P.S. Case No. 76 of 2019, subject to condition, as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J.)

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