

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16598 of 2020

Arising Out of PS. Case No.-541 Year-2019 Thana- MADHAURAH District- Saran

1. LALAN RAI Son of Late Panchhi Rai Resident of Village - Bhaluhi, P.S.- Marhowrah, District - Saran at Chapra
2. Saroj Rai Son of Lalan Rai Resident of Village - Bhaluhi, P.S.- Marhowrah, District - Saran at Chapra
3. Sanoj Rai Son of Lalan Rai Resident of Village - Bhaluhi, P.S.- Marhowrah, District - Saran at Chapra
4. Balister Rai Son of Lalan Rai Resident of Village - Bhaluhi, P.S.- Marhowrah, District - Saran at Chapra

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate.
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 13-10-2020 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual Court proceedings.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 302 and 384 of the Indian Penal Code.

The prosecution case, in nutshell, is that all the petitioners, in connivance with each other, came to informant's house and said to have started slating the informant's father and when the informant's father came out from the house, all the accused persons started assaulting them. Petitioners Sanoj Rai



and Saroj Rai pressed the neck and chest of the informant's father due to which he died on the spot.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case in order to grab their properties. As a matter of fact, informant's father is none else but the full brother of petitioner no.1 and rest of the petitioners are their nephews. There is inordinate and abnormal delay of five days in filing the complaint petition without assigning any plausible and convincing reason for the said delay. It is further submitted that there was scuffle between both the parties and, in the meantime, the informant's father came out of the house and due to his old age, he lost his balance and fell down on the ground and died. Taking the advantage of the situation, such accidental death of informant's father has been given the colour of murder. Petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two



sureties of the like amount each to the satisfaction of the learned
Chief Judicial Magistrate, Saran at Chapra in connection with
Marhowrah P.S. Case No.541 of 2019, subject to the condition
as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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