

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 86388 of 2019

Arising Out of PS. Case No.-454 Year-2019 Thana- Bihta District- Patna

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Sudershanacharya Ji Maharaj @ Sri Swami Sudershanacharya Ji Maharaj,
aged about 48 years (Male), son of Gadadharacharya Ji Maharaj, Resident of
Village – Gausaganj, P.S. - Ara, District- Ara at Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Adv.
For the Informant	:	Mr. Awadhesh Kumar Mishra, Advocate
For the State	;	Mr. Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

06. 04.09.2020 Heard Mr. Yogesh Chandra Verma, learned

senior Advocate for the petitioner; Mr. Awadhesh Kumar

Mishra, learned counsel for the informant; and Mr.

Choubey Jawahar, learned APP for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Bihta P. S. Case No. 454 of

2019 dated 12.05.2019, instituted for the offences

under Sections 302 and 120 (B) of the Indian Penal

Code and Section 27 of the Arms Act, 1959.

A priest is said to have been killed by unknown

motorcycle t ts. The pillion rider is also said



to have been injured. Though the petitioner has not been named in the F.I.R. in the column of the accused persons but his name clearly transpires in the body of the F.I.R. A suspicion has been raised on the petitioner that because the deceased had complained against the financial irregularity regarding the affairs of the *Math* in which he was a priest, the petitioner has got him killed out of a well hatched conspiracy.

It appears from the impugned order that during the course of investigation, several persons have made statements before the police that the petitioner had conspired to get the deceased eliminated.

The aforesaid suspicion is on the basis of the fact that the deceased had filed a case against the functioning of the *Math* in question before a Court of law in which he had tried to expose the illegal acts of the petitioner and others.

Mr. Yogesh Chandra Verma, learned senior counsel for the petitioner has however submitted that



but for suspicion about the petitioner having conspired to kill the deceased, there is no other material, direct and cogent, to connect the petitioner with the offence.

He has further submitted that the petitioner was given *Gurudakshina* by the erstwhile *Mahanth* of the *Math* in the year 1989. The petitioner always resided at Ara and not at Bihta and the fact of his having been given the mantle of the *Math* was supported by the pillion rider of the deceased / Ramesh Chandra Rai also in a civil proceeding.

There is no eye-witness to the occurrence.

From the arguments advanced on behalf of the parties and the records available before this Court, it appears that the petitioner has been made accused in this case on account of suspicion of his having hatched a conspiracy to kill the deceased. There does not appear to be any direct material to substantiate the charge of conspiracy.

Considering the nature of accusation against



the petitioner and taking into account that he too is a saint, he, in the event of his arrest or surrender before the court below within a period of eight weeks, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Danarpur in connection with Bihta P. S. Case No. 454 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

However, it is made clear that the petitioner in no way shall try to tamper with the evidence or would create difficulties for the witnesses who have spoken against him during the course of investigation. Should he be found doing so, it would be open for the informant / prosecution to approach the court below for cancellation of his bail.

In case such a petition is filed, the court below shall immediately proceed in the matter and after being



satisfied that the petitioner is flouting the conditions of bail, shall proceed to cancel the bail granted to him.

In the event of the case going in trial, it is expected that the trial court shall expedite and conclude the trial, preferably within a period of nine months of the framing of charges against the petitioner.

With the aforesaid direction / observation, this petition stands disposed off.

(Ashutosh Kumar, J)

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