

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29973 of 2021

Arising Out of PS. Case No.-191 Year-2020 Thana- PATORI District- Samastipur

Suresh Ray @ Suresh Prasad Ray S/o Late Binda Ray Resident of Village-
Ramchandrapur, Dashahara, P.S.- Patory, District- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Choubey Jawahar, Advocate
For the Informant	:	Mr. Sunil Kumar Thakur, Advocate
For the Opposite Party/s	:	Mr. APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-12-2021 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Shahpur Patori P.S. Case No. 191 of 2020 dated 05.06.2020
instituted for the offences under Sections 302, 201 and 34 of the
Indian Penal Code. Learned counsel for the petitioner submits
that subsequently charge-sheet came to be submitted under
Section 306 and 201 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 12.01.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that
informant (daughter-in-law) in the F.I.R. alleges that there was a



partition in the family which was duly intimated to her by her husband but on 30.05.2020 when she was at her parents place she came to know that her husband was killed on 27.05.2020 and accordingly she came and the present F.I.R. came to be instituted.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that the informant herself acknowledges that there was a partition in the family and the partition having been effected, no purpose would have been served by killing the deceased who was the own son of the petitioner, learned counsel further submits that petitioner retired from Irrigation Department, Bhagalpur on 31.12.2019 and had a blemishless service but still he has not started receiving his pension and retiral benefits because of the present case. Learned counsel submits that this informant is a greedy lady who being aware that partition has been effected but the property was in the name of her husband and after her death she wanted to grab the property hence she started blackmailing the petitioner and other family members to get the sale deed of the property recorded in her name and that is why despite knowing on 30.05.2020 that her husband has died still she took five days to institute the present F.I.R. i.e. on



05.06.2020 the F.I.R. came to be instituted.

Learned counsel for the informant vehemently opposes the prayer for regular bail of the petitioner and submits that informant despite her best effort could not institute the F.I.R. as the police was not willing to take the F.I.R. Learned counsel further submits that perhaps the police has not investigated the case correctly and that is why charge-sheet came to be instituted under Section 306 of the I.P.C. when the postmortem ought to have been done of the body. Learned counsel submits that it does not stand to reason that as to why the postmortem of the body was not conducted.

Learned counsel for the petitioner submits that the informant came to know about the death of her husband on 27.05.2020 itself and on 28.05.2020 she came and participated in the funeral and thereafter she started threatening the family members of the deceased to execute sale deed of the property in her favour but when the same was refused, she by way of afterthought instituted the present F.I.R. well knowing that deceased had committed suicide in her absence.

Learned counsel for the informant submits that the Superintendent of Police should have conducted the investigation more carefully on which the learned counsel for



the petitioner submits that perhaps the conduct of this informant has not been investigated, had it been investigated properly, the true facts would have come to the fore.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is the father of the deceased, is a retired man and no purpose would have been served by killing his own son, is in custody since 12.01.2021, charge-sheet has been submitted in the case and the petitioner is a person with clean antecedent, let the petitioner above named be released on bail on furnishing bail bond of Rs. 5,000/- (Rupees Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Samastipur in connection with Shahpur Patori P.S. Case No. 191 of 2020.

(Satyavrat Verma, J)

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