

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32331 of 2021**

Arising Out of PS. Case No.-509 Year-2020 Thana- NAANPUR District- Sitamarhi

1. Bhola Sah S/O Late Khelawan Sah R/O Village-Gauri, Ward No.14, P.S.-NANPUR, District-Sitamarhi.
2. Shyam Sah S/O Bhola Sah R/O Village-Gauri, Ward No.14, P.S.-NANPUR, District-Sitamarhi.
3. Upendra Sah S/O Bhola Sah R/O Village-Gauri, Ward No.14, P.S.-NANPUR, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa- Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha- A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 26-11-2021 Heard the learned Advocate for the petitioners and
the learned APP for the State through video conferencing.

The petitioners seek bail in connection with Nanpur P.
S. Case No.509 of 2020, instituted for the offences under
Sections 302, 120B, 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the
petitioners are in custody since 28.12.2020 and they are persons
with clean antecedents, charge-sheet has been submitted in the
case.

Learned counsel for the petitioners submits that
informant is the own grand-daughter of the petitioner no.1 and



niece of petitioner nos.2 and 3. The deceased is the own brother of petitioner no.1.

Learned counsel for the petitioners submits that the informant instituted the present F.I.R. alleging that the deceased was served by her mother as he was issue-less and out of affection, the deceased gifted the entire property of one acre in name of the mother of the informant on account of which, the petitioners became infuriated and thus, conspired and got the deceased killed.

Learned counsel for the petitioners submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant against these petitioners alleges that they had conspired to get the deceased killed. Learned counsel for the petitioners further submits that it absolutely does not stand to reason that why the petitioner no.1 would kill his own brother when he had already gifted his entire property to the mother of the informant. Learned counsel further submits that by killing the deceased no benefit would have accrued to the petitioner as the mother of the informant is already in possession of the property and is dealing with it.

Learned A.P.P. opposes the bail application, but is not able to meet the submission made by the learned counsel for the



petitioners that no benefit would have accrued to the petitioners by conspiring to get the deceased killed when the gift/ will is not challenged by the petitioners.

Considering the fact that the petitioners are in custody since 28.12.2020 and they are persons with clean antecedents, charge-sheet has been submitted in the case and the allegation arises out of property dispute, the petitioners, above-named, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Pupri, Sitamarhi in connection with Nanpur P. S. Case No.509 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

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