

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32912 of 2021**

Arising Out of PS. Case No.-288 Year-2020 Thana- TEGHRHA District- Begusarai

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1. NARESH SINGH S/O LATE RAMDEV SINGH
 2. VIJAY SINGH S/O NARESH SINGH
- Both R/o village- Bajalpura, Ward No. 13, P.S.- Teghra, District- Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivam

For the Opposite Party/s : Mr.APP.

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

2 30-11-2021 Heard learned counsel for the petitioners and

learned counsel for the informant and learned APP for the

State.

Petitioners seek bail in connection Teghra P.S. Case
no. 288 of 2020 registered for the offence punishable under
section 302/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that
petitioner no. 1 is in custody since 02.01.2021 and
petitioner no. 2 since 25.01.2021 and charge sheet has been
submitted. Learned counsel for the petitioners further
submits that from perusal of the allegation as alleged in the
FIR, it would manifest that the informant (Rajesh Kumar)



nephew of the deceased has given written report dated 21.9.2020 wherein he has alleged that his uncle Laxmi Singh aged about 72 years was unmarried and was residing with him and was joint in mess and it was the informant and his family members who was looking after him. Further, it is alleged that petitioners along with three unknown persons killed his uncle Laxmi Singh on 20.9.2020 in the mid night at about 12 a.m. as they were forcibly trying to grab his land. It is further alleged that prior to the occurrence when deceased was taking meal in the night at about 10 p.m., at that time all the accused persons arrived at his home and asked the deceased to execute entire property of his share in their favour otherwise he would be killed, further on protest made by the deceased all accused persons became adamant to assault and threatened of dire consequences. Further, it is alleged that on 20.9.2020 when the deceased did not return home, the informant along with his father went to Bathan where he saw the dead body of the deceased beneath the Machan. It is further alleged that in course of returning from Bathan, petitioner no.1 informed the informant that Laxmi Singh had been killed. Learned counsel for the



petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that the same does not inspire confidence. He further submits that though informant in the FIR has addressed the petitioners as Gotiya but petitioner no.1 is own brother of the deceased and petitioner no.2 is own nephew of the deceased. It is further submitted that since deceased was unmarried and issueless as such after killing of the deceased, informant took it as an opportunity to implicate the present petitioners so that he can enjoy the property of the deceased. Learned counsel further submits that if petitioners intended to grab the property of the deceased as alleged in the FIR then definitely they would not have killed the deceased as after his death property would not have devolved on them exclusively as per Hindu law. Further, it is submitted that in view of amendment in Hindu law, a person if convicted on account of killing the relative then he will be debarred from the property of the deceased, as such the petitioner would never indulge in any act whereby they would debar themselves from getting a share equal to that of the family of the informant in the share of the deceased. Learned



counsel further submits that it absolutely does not stand to reason why the petitioner no.1 would himself disclose to the informant that the deceased has been killed and thus get implicated in the case on basis of suspicion. Thus, it is submitted that allegation in totality reflects that the present petitioners have been implicated only with a view to force not to seek share in the property of the deceased.

Learned counsel for the informant and learned APP vehemently oppose the prayer for bail.

Learned counsel for the informant submits that it was for the property the deceased was killed by the petitioners but learned counsel for the informant is not able to meet the submissions of learned counsel for the petitioners then what benefit the petitioners would derive after killing the deceased. In the event, they get convicted by a court of competent jurisdiction and thus, are debarred from any share in the property. Further learned counsel for the informant is also not able to meet the submissions of learned counsel for the petitioners that as to why in the FIR informant did not disclose the relationship of the deceased with petitioners and alleged that they are Gotiya whereas



they are own brother and nephew of the deceased.

Considering the submissions of learned counsel for the petitioners and charge sheet has been submitted, the petitioners are directed to be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Begusarai in Teghra P.S. Case no. 288 of 2020.

(Satyavrat Verma, J)

s.hassan/-

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