

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35527 of 2021

Arising Out of PS. Case No.-248 Year-2020 Thana- LADANIA District- Madhubani

BINA DEVI @ VINA DEVI W/O CHHEDI SAH R/o village- Mahua
Godown Tol, P.S.- Ladania, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar

For the Opposite Party/s : Mr. Shashi Dhar Jha
Mr. Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-12-2021 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned APP for the State.

The petitioner seeks bail in connection with Ladania
P. S. Case No.248 of 2020, instituted for the offences under
Sections 302, 34 of the Indian Penal Code, Section 27 of the
Arms Act and Section 3/4 of the Explosive Substances Act.

The learned counsel for the petitioner submits that the
petitioner is in custody since 04.12.2020, also the mother of the
deceased and charge-sheet has been submitted in this case.

The learned counsel for the petitioner submits that
from perusal of the allegation as alleged in the F.I.R., it would
manifest that it is alleged that informant's sister was married to
Rajiv Sah and Rajiv Sah had land dispute with his brother
Sanjay Sah. It is alleged that on account of land dispute between



the brothers, the occurrence has taken place. It is further alleged that the niece of the informant informed him that Fua and Fufa has been killed. Accordingly, the informant reached at the place of occurrence where he saw the dead body of the deceased.

The learned counsel for the petitioner submits that there is no eye witness to the occurrence. As per the F.I.R., it was the niece of the informant, who had informed that Fua and Fufa has been killed. As such, even the niece (daughter of the brother of the informant) was also not an eye witness to the occurrence. Learned counsel further submits that the statement of the daughter of the deceased was recorded in which she has stated that it was Sanjay Sah, who killed her parents while this petitioner was standing in the courtyard. The learned counsel further submits that the petitioner is the mother of the deceased and it is difficult to believe that the mother would get her own son killed by another son for property.

The learned counsel for the informant as well as learned A.P.P. opposed the bail application and submitted that the accused persons named in the F.I.R. were instrumental in killing the deceased, but is not able to meet the submission of the learned counsel for the petitioner that there is no eye witness to the occurrence and that daughter of the deceased has not



alleged any overt act against the petitioner.

Considering the fact that the petitioner is in custody since 04.12.2020, also the mother of the deceased and charge-sheet has been submitted in this case, the petitioner, above-named, 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 Sri G. P. Gupta, Madhubani in connection with Lдания P. S. Case No.248 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

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