

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32444 of 2020

Arising Out of PS. Case No.-168 Year-2019 Thana- BARIYARPUR District- Munger

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YOGENDRA PD. GUPTA @ YOGENDRA PRASAD GUPTA @
YOGENDRA GUPTA, Son of Thakur Das Resident of Village - Ratanpur,
P.S. Bariarpur, Distt. - Munger.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Savitri Devi, Wife of Late Shankar Prasad Gupta Resident of Village - Ratanpur, P.S. Bariarpur, Distt. - Munger. Presently residing at village - Ambari, P.S. Shekhopur Sarai, Distt. - Sheikhpura.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam
For the Opposite Party/s : Mr.APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 10-02-2021 Heard Mr. Sandip Kumar Gautam, learned

counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Bariarpur P. S. Case No. 168

of 2019, dated 29.11.2019, instituted for the offences

under Sections 302, 418 and 420 of the Indian Penal

Code.

The subject F.I.R. is based on the complaint

lodged by Opposite Party No. 2 in which she has alleged

that she was informed about the death of her husband



by the Sarpanch who did not let her know the exact reason for the death. She came to the place where her husband had been residing and learnt that the petitioner and his wife have killed the deceased because of some dispute over landed property. It has also been stated by Opposite Party No. 2 that at home also, the petitioner and his wife had threatened the informant of dire consequences, in case her husband did not give up the claim to the property belonging to him.

The information regarding the death of the husband of Opposite Party No. 2 was provided to her on 08.04.2019 but the complaint, which is the basis of the subject F.I.R. has been lodged on 11.06.2019, i.e. after a delay of more than two months.

Apart from this, the learned counsel for the petitioner has submitted that earlier the Opposite Party No. 2 had filed a case under Section 494 of the Indian Penal Code against her husband in which he had to go to jail.



This fact has been brought on record only to demonstrate that the deceased had not been staying with the Opposite Party No. 2 and with the death of the deceased, the Opposite Party No. 2, in a desperate attempt to have some control over the ancestral property of the deceased, has filed this case.

The accusation in the subject F.I.R. does not appear to be correct in as much as it has not been stated whether the share of the deceased was not being parted with or the respective apportionment of share was not being acceded to by the deceased.

The present litigation *prima facie* appears to be motivated.

Considering the afore-stated facts, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, II, Munger, in connection with Bariarpur P. S. Case No. 168 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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