

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62333 of 2021

Arising Out of PS. Case No.-247 Year-2021 Thana- LALGANJ District- Vaishali

Manoj Kumar, Male aged about 33 years, Son of Braj Kishor Ray @ Vraj Kishor Ray @ Briz Kishor Ray, Resident of Village- Jalalpur, P.S.- Lalganj, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 5009 of 2022

Arising Out of PS. Case No.-247 Year-2021 Thana- LALGANJ District- Vaishali

Jitendra Kumar @ Dabbu Ray @ Dablu, aged about 26 years, Gender-Male, Son of Braj Kishor Ray @ Vraj Kishor Ray, Resident of Village - Jalalpur, P.S.- Lalganj, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 62333 of 2021)

For the Petitioner/s : Mr. Manoj Kumar No.1, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 5009 of 2022)

For the Petitioner/s : Mr. Manoj Kumar No.1, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 12-05-2022 Heard learned senior counsel for petitioners and
learned APP for the State.

The petitioners have preferred this application for
grant of regular bail in a case registered under sections 302,
120B and 34 of the Indian Penal Code.



As per the prosecution case, the mother of Ajay Sah namely Kaushalya Devi had three other sisters. The four sisters had distributed their immovable property amongst themselves. It is stated that in the life time of his mother, Ajay Sah executed a sale deed in favour of the petitioner Manoj Kumar showing his living mother to be dead. It is stated that subsequently on 5.11.2018 the accused persons killed Kaushalya Devi and disposed of her dead body. The complaint was filed on 3.7.2019 and later the F.I.R. registered.

It is submitted by learned senior counsel appearing for the petitioners that the petitioner Manoj Kumar, happens to be the purchaser from Ajay Sah. He has no concern with the family affairs of Ajay Sah and is in no way a beneficiary as a result of any transaction amongst them. So far as petitioner Jitendra Kumar @ Dabbu Ray @ Dablu is concerned, he is not even a purchaser but has been implicated in the case only for the reason of his being the brother of Manoj Kumar. For an offence alleged to have taken place on 5.11.2018, a complaint was filed almost seven months later on 3.7.2019. Even in course of investigation, no material has transpired to connect the petitioners with the alleged crime. The petitioners are in custody since 10.8.2021 and 17.9.2021 respectively and investigation in the case has



concluded.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the nature of allegation, the material that has transpired in course of investigation, the petitioners having remained in custody since 10.8.2021 and 17.9.2021 respectively and investigation in the case having concluded, the Court directs both the petitioners to be enlarged on bail in connection with Lalganj P.S. Case no. 247 of 2021 (arising out of Complaint Case No. 1883 of 2019) on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IX Hajipur, Vaishali.

(Partha Sarthy, J)

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