

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7071 of 2022**

Arising Out of PS. Case No.-263 Year-2021 Thana- MAHARAJGANJ District- Siwan

HARERAM SAH Son of Late Saral Sah R/o Village - Kapiya Nijamat, P.S. -
Maharajganj, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ranjeet Kumar Pandey, Advocate
For the Opposite Party/s :	Mr. Satyendra Narayan Singh, A.P.P.
For the Informant :	Mrs. Archana Sinha @ Archana Shahi, Advocate

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

2 30-08-2022 Heard learned counsel for the petitioner, the informant
and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 302,
120(B) of the Indian Penal Code and Section 27 of the Arms
Act.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

The informant alleges that she was staying in Delhi
with her mother-in-law and brother-in-law as the mother-in-law
required treatment. It is alleged that the brother-in-law of the
informant received an information that the accused persons



including the petitioner were trying to fraudulently sale the ancestral land and house which was recorded in the name of the mother-in-law of the informant. Accordingly, the informant along with her mother-in-law and brother-in-law came to her native place where her sister-in-law also came and filed an application in the Registry Office alleging that the accused persons including the petitioner were trying to sell the land and house which was recorded in the name of their mother by portraying someone else as her mother/mother-in-law. It is alleged that thereafter the brother-in-law of the informant got a call from Roshan Ali @ Mantri who threatened that as to why he has submitted objection in the Registry Office. It is alleged that on the date of occurrence Keshav Raj @ Avinash Tiwari, Navin Tiwari, Pinku Tiwari @ Survesh Tiwari, Sagar Tiwari, Niraj Tiwari and Kaish Alam came on a motorcycle and Keshav Raj @ Avinash Tiwari shot the brother-in-law of the informant who died and thereafter all the accused persons fled away from the place of occurrence.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that as far as this petitioner is concerned against him it is alleged that the brother-in-law of the informant has received an



information that Keshav Raj, Ashok Dubey were trying to dispose of the land fraudulently with the help of Roshan Ali, petitioner and Amarjeet Singh. Learned counsel further submits that admittedly no land of the mother-in-law of the informant was sold or registered and from perusal of the allegation, it would manifest that there is direct allegation against Keshav Raj of killing the brother-in-law of the informant. Learned counsel next submits that even the informant has not alleged that the petitioner was present at the place of occurrence when her brother-in-law was shot dead by Keshav Raj, thus, the entire allegation hinges around suspicion.

Learned A.P.P. for the State and the informant opposed the prayer for anticipatory bail of the petitioner. Learned counsel for the informant submits that the present informant has also filed Complaint Case No. 238 of 2022, dated 08.07.2022 in the Court of learned Chief Judicial Magistrate, Siwan with allegation that the accused persons including the petitioner are threatening her to compromise the case. He further submits that since the accused persons were not able to sell the land of the mother-in-law of the informant, as such, present occurrence took place but is not able to meet the submission of the learned counsel for the petitioner that the entire allegation



hinges around suspicion and the fact that petitioner was not present at the place of occurrence when the murder was committed.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Maharajganj P.S. Case No. 263 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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