

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17745 of 2022

Arising Out of PS. Case No.-18 Year-2021 Thana- BANIAPUR District- Saran

HARE RAM RAI S/o Late Phuleshwar Rai R/o village- Kamta Vavli, P.S.-
Baniapur, District- Saran Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Shankar Prasad Yadav
For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 18-10-2022 Heard learned counsel for the petitioner and learned APP
for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Baniapur P.S. Case no. 18 of 2021 instituted for the offence under Section 302/34 of the Indian Penal Code.

As per allegation in the FIR, petitioner along with other accused persons has assaulted the mother of the informant and thereafter strangled her to death in the night of 12th of January, 2021. Informant and his father were at Delhi when the alleged occurrence took place. It is further alleged that a family partition took place earlier and five green trees, which were allocated in informant's share were cut down by the accused persons then the deceased had complained to the local Circle Officer against the accused persons and in retaliation the alleged occurrence took place.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence.



No one is eye witness of the occurrence and only on the basis of suspicion the present petitioner has been implicated in the present case. Both parties are agnates and land dispute was going on between them. He has got no criminal antecedent. No independent witnesses have stated about complicity of the petitioner in the alleged incident.

Learned APP appearing for the State has opposed the prayer of Bail and submitted that postmortem report shows that cause of death due to strangulation.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Baniyapur P.S. Case no. 18 of 2021, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Saran at Chhapra subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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