

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25533 of 2022

Arising Out of PS. Case No.-248 Year-2021 Thana- MAJORGANJ District- Sitamarhi

Ram Sagar Mahto, Son Of Late Tapeswar Mahto R/O Village- Bhalohiya,
P.S.- Majorganj, District- Sitamarhi

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Jha
For the State	:	Mr. Anuj Kumar Shrivastava
For the Informant	:	Mr. Santosh Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 28-06-2022 Heard Mr. Ashok Kumar Jha, learned counsel for the petitioner, Mr. Arjun Prasad, learned counsel for the informant, who appears on behalf of Advocate on record and Mr. Anuj Kumar Shrivastava, learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 302, 120B/ 34 of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is aged about 60 years and the informant, who is his own brother, alleges that petitioner deceitfully got 150 decimals of land registered in his name on the pretext of the mother's illness. It is next alleged



that when the informant and his brothers and his father came to know about the misdeed of the petitioner, the father (deceased) started objecting and firmly said to return the land to his brothers as per their share. It is next alleged that the petitioner used to give threatening of killing his own father. It is next alleged that on 18.12.2021 at 830 A.M., the petitioner along with his wife and two sons got his father murdered. It is next alleged that on the said date, an unknown accused came and took his father on the pretext of some work. It is next alleged that three accused persons were waiting for them near Harsakri river, who shot the informant's father dead and even took away his motorcycle. Thus, alleges that the petitioner along with his family members in conspiracy got his father killed through unknown criminals.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is next submitted that from the tenor of the allegation as alleged in the F.I.R., it would manifest that admittedly, there is a land dispute between the parties. It is next submitted that it absolutely does not stand to reason that as to why the F.I.R. does not disclose as to when 150 decimal of land was registered in the name of the petitioner and when the mother of the informant



was ill. It is next submitted that informant is not an eye witness to the occurrence, but still he has instituted the F.I.R. with a vivid description that how three accused persons were waiting from before for his father to arrive and they killed when he was being accompanied by unknown accused. The learned counsel next submits that apart from suspicion, there is nothing in the F.I.R.

The learned counsel for the informant as well as learned A.P.P. opposes the bail application. The learned counsel for the informant submits that there is direct allegation against the petitioner, but is not able to meet the submission of the learned counsel for the petitioner that the entire allegation hinges around suspicion and the informant is not an eye witness to the occurrence, but still has given a vivid description of the occurrence.

Considering the submissions made by the learned counsel for the petitioner and the fact that the petitioner is a person with clean antecedent, he is a senior citizen and the entire allegation hinges around suspicion and it has come during the course of investigation that the accused persons, who were apprehended, have disclosed the name of the petitioner with respect to that. The learned counsel for the petitioner submits



that admittedly, the name transpired during course of investigation based on confession which has no evidentiary value, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, 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 the learned Court below where the case is pending in connection with Majorganj P. S. Case No.248 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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