

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27799 of 2022

Arising Out of PS. Case No.-211 Year-2017 Thana- TURKAULIYA District- East Champaran

1. Ganesh Rai @ Ganesh Ray, Son Of Suruj Rai Resident Of Village - Sariswa, P.S.- Turkaulia, District - East Champaran.
2. Lal Babu Rai, Son Of Ganesh Rai Resident Of Village - Sariswa, P.S.- Turkaulia, District - East Champaran.
3. Manoj Rai, Son Of Ganesh Rai Resident Of Village - Sariswa, P.S.- Turkaulia, District - East Champaran.
4. Binod Rai, Son Of Ganesh Rai Resident Of Village - Sariswa, P.S.- Turkaulia, District - East Champaran.
5. Sonalal Rai, Son Of Ganesh Rai Resident Of Village - Sariswa, P.S.- Turkaulia, District - East Champaran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
For the Opposite Party/s : Mr. Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-11-2022 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 302, 201, 120(B) of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that his father (petitioner no.1) had two wives. From the first wife, the informant and his brother was born and



from the second wife, petitioner no.1 had three children. Further, on 25.07.2016, her mother went outside the house and did not return. Accordingly, informant instituted a case in Turkauliya Police Station. Further, on 20.03.2017, the petitioners came and asked the informant to execute sale deed with respect to a land. On objection, the petitioners disclosed that he will be killed in the manner his mother was killed. Thus, the complainant filed a complaint case based on which the present F.I.R. came to be instituted.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. It is next submitted that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the same does not inspire any confidence. It is next submitted that it absolutely does not stand to reason that the petitioners would have come to the house of the informant and would have threatened to execute sale deed, failing which he would be killed and then, at the same time, would have disclosed that they had killed their mother earlier. It is next submitted that the F.I.R. which came to be instituted after the mother of the informant did not return in Turkauliya Police Station, in that case, not even a remote suspicion was alleged against the petitioners herein. The learned



counsel next submits that since petitioner no.1 performed his second marriage and had children out of the wedlock as such, the informant, who is his son from first marriage in order to coerce him into submission, so that he can usurp the property, falsely implicated them by alleging such vague and cryptic allegation.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Turkauliya P. S. Case No.211 of 2017, 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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