

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62390 of 2021**

Arising Out of PS. Case No.-118 Year-2020 Thana- DAGARUA District- Purnia

BINOD MARAIYA @ BINOD MARYA Son of Late Rasik Lal Marya
Resident of Village - Malovita, P.s.- Dagarwa, Distt.- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Davendra Kumar Pandey
For the Opposite Party/s : Mr.Arun Kumar Singh

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

2 24-03-2022 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in a case registered for the
offences under Sections 302, 201 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 06.04.2021, charge-sheet has been
submitted and is a person with clean antecedent and the
informant alleges that petitioner and Mahendra Rishi few days
back had taken some fish from her son (deceased) on credit and
when the deceased demanded his money from them then they
started abusing him and threatened that if he has to do business
then he has to give fish on credit or else he would be killed.
Further, on 25.07.2020 at 10 P.M. while his son was returning
home after purchasing some household articles, he called his



wife on her mobile and informed that Mahendra Rishi assaulting him, further on 26.07.2020 the dead body of the son was recovered, it is further alleged that son-in-law of Mahendra Rishi, namely, Sumiran Rishi and Nikku Rishi were seen at the place of occurrence from where the dead body was recovered, on suspicion alleging that the petitioner along with named accused person killed her son.

The learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that informant is not eye witness to the occurrence, the entire allegation is based on suspicion, further even assuming what has been alleged in the FIR is true then the informant specifically alleges that her son called her wife and informed that it was Mahendra Rishi, who were assaulting him and has not taken even name of this petitioner. It is further submits that since petitioner is also having a fish shop, as such there was dispute between the deceased and the petitioner on account of which the informant has implicated the petitioner based on suspicion.

The learned APP vehemently opposes the bail application.

Considering the fact that petitioner is in custody since



06.04.2021, chargesheet has been submitted and is a person with clean antecedent and taking into consideration the submissions made by learned counsel for the petitioner, the petitioner, above-named, 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 learned Court below where the case is pending in connection with Dagarwa P.S. Case No. 118 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

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