

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64185 of 2021**

Arising Out of PS. Case No.-304 Year-2021 Thana- KHAJANCHI HAT District- Purnia

WAKIL SHARMA @ WAKIL DAS, S/o Late Mathuri Das @ Mathuri
Sharma Resident of Tatma Tola, Shanti Niketan Hata, P.S. - K. Hat (Sahayak),
District - Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad

For the Opposite Party/s : Mr.Satya Nand Shukla

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

2 30-03-2022 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 and 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 12.08.2021, he is a person with
clean antecedent, charge-sheet has been submitted and his aged
about 78 years.

The learned counsel for the petitioner further submits
that the informant alleges that her husband entered into an
agreement for sale for selling 1 katha of land with the petitioner
and Raju Sharma for an amount of Rs. 3,19,000/-, further the
petitioner and co-accused by way of advance, paid Rs.21,000/-



and Rs.2000/- on 21.10.2019, further the petitioner and Raju after lockdown resiled from purchasing the land and asked her husband to repay their advance money back, further when her husband went to repay the advance the petitioner and Raju refused to take the money back and said that interest on Rs. 23,000/- comes to Rs. 2,50,000 hence transfer the land or her husband would be killed hence on the basis of suspicion alleges that the petitioner and co-accused got her husband killed.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, admittedly the dispute is civil in nature. It is further submitted that it absolutely does not stand to reason that interest for Rs. 23,000/- would tantamount to Rs. 2,50,000/- within two years, the learned counsel further submits that from perusal of the allegation as alleged in the FIR, it would manifest that the entire allegation ranges around suspicion as informant is not an eye witness to the occurrence. The learned counsel further submits that the petitioner till 78 years of age, was a person with clean antecedent and all of a sudden, he came to be implicated in a murder case that too based on suspicion with regard to civil dispute.

The learned A.P.P. opposes the bail application.

Considering the fact the petitioner is in custody since



12.08.2021, he is a person with clean antecedent, charge-sheet has been submitted and his aged is about 78 years and the nature of dispute between the parties was civil in nature 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 Khajanchai Hat P.S. Case No. 304 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

sanjeev/-

U		T	
---	--	---	--

