

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64838 of 2021

Arising Out of PS. Case No.-108 Year-2021 Thana- DEHRI TOWN District- Rohtas

1. DEEPAK KUMAR SARAOGI Son of Parmanand Saraogi Resident of Village - Nil Kothi, P.S.-Dehri (Town), Distt.- Rohtas, At present Resident of Village - House No.34, Near- Rajgarh Bhawn, 43, R.D Main Road Cross Taj Rajeshwari Nagar, Distt. Bengluru (Karnatka).
2. Rakesh Saragoi @ Rakesh Kumar Saraogi Sson of Parmanand Saraogi Resident of Village - Nil Kothi, P.S.-Dehri (Town), Distt.- Rohtas, At present Resident of Village - House No.34, Near- Rajgarh Bhawn, 43, R.D Main Road Cross Taj Rajeshwari Nagar, Distt. Bengluru (Karnatka).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-04-2022 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offences punishable under Sections 302 and 120(B) of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioners submits that petitioners are in custody since 19.04.2021 and chargesheet has been submitted. Petitioner no.1 has one antecedent and petitioner no.2 is a person with clean antecedent.

Learned counsel for the petitioners submits that the informant alleges that on 09.02.2021 at about 8:15 pm, his wife (deceased) was returning back to home after closing her



medicine shop with staff Pappu Kumar Gupta @ Guddu, when one man came on foot from behind and shot the deceased in the neck and fled into the streets. Further, Pappu Kumar Gupta informed informant's husband and took the victim to Sadar Hospital, Jamuhar where doctors declared her dead.

Learned counsel for the petitioners submits that informant is a tenant of the petitioners and an eviction suit was also filed in the year 2016 by the petitioners for getting the informant vacated from his shop. It is further submitted that petitioners are businessman and had shifted to Bangalore with their family and father about 30 years back. Further, the petitioners were at Bangalore on the date of occurrence and the informant took the killing of his wife as an opportunity to falsely implicate the petitioners alongwith his father and other businessmen of the area merely on the basis of suspicion. It is further submitted that Pappu Kumar Gupta, who is an employee of the informant and was present at the place of occurrence, has not identified the accused, who shot the deceased. Learned counsel for the petitioners, further, submits that it absolutely does not stand to reason that when an eviction suit was filed by the petitioners, why would they have conspired to get the wife of the informant killed. It is further submitted that Parmanand



Sarawgi has been granted bail by order dated 22.03.2022 in Cr. Misc. No. 61436 of 2021.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners but is not able to meet the submission of learned counsel for the petitioners that similarly situated co-accused has been granted bail.

Considering the fact that the petitioners are in custody since 19.04.2021, chargesheet has been submitted in the case, petitioner no.2 is a person with clean antecedent and the entire allegations hinges around suspicion, let the petitioners above named be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Dehari (T) P.S. Case No. 108 of 2021.

(Satyavrat Verma, J)

Ankit/-

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