

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69714 of 2021

Arising Out of PS. Case No.-109 Year-2017 Thana- RAJEPUR District- East Champaran

Raja Ram Son of Late Narayan Ram Resident of Village - Ismaila, P.O.-
Nonimal, P.S.- Rajepur, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pravin Kumar, Advocate
For the State	:	Mr. Sanjay Kumar Tiwary, APP
For the Informant	:	Mrs. Prachi Pallavi, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 28-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Rajepur P.S. Case No. 109 of 2017 registered for the alleged offences under Sections 364, 307, 302, 328, 120B, 504, 506 and 201/34 of the Indian Penal Code.

As per prosecution case, the informant lodged a complaint which was later on converted into the FIR stating that the petitioner and other co-accused called the son of the informant and they gave a poisonous injection to him causing



his death. The informant was also given some injection which made her unconscious. Meanwhile, her son was cremated. The occurrence took place due to enmity between the family of the informant and the family of the petitioner.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner and the informant are agnates and there is land dispute between them and enmity is also admitted. For this reason the petitioner has been falsely implicated. The alleged occurrence took place on 16.03.2017 but the complaint was filed on 28.07.2017 for which there is no explanation. In the meantime, police was not informed. The petitioner is a teacher and he was on duty on the date of occurrence and has nothing to do with the alleged incident. Learned counsel further submits that the son of the petitioner committed suicide and in a conspiracy the informant impleaded the petitioner and his family members. The case of the informant as narrated by her is not believable and she is herself a ward member. Learned counsel further submits that altogether seven co-accused persons have been granted bail by different Co-ordinate Benches vide order dated 10.04.2018 passed in Cr. Misc. No. 19508 of 2018, vide order dated 02.06.2020 passed in Cr. Misc. No. 21607 of 2018, vide



order dated 02.06.2020 passed in Cr. Misc. No. 83180 of 2019 and one accused namely Champa Devi has been granted regular bail from the learned lower court. This petitioner is in custody since 19.09.2021 and charge-sheet has been submitted. He has got clean antecedent.

Learned APP as well as learned counsel appearing on behalf of the informant oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the informant has been residing with her sons and daughter and her husband has been working outside and she was confined to her house and she could not get the FIR resistered on time and there is proper explanation for the same. Learned counsel further submits that due to enmity the son of the petitioner was injected with poisonous substance and he lost his life. The cremation by the grandfather is quite natural as father of the deceased was not staying at the place at his village. However, the learned APP concedes that the witnesses in paragraphs 56 and 57 of the case diary have stated about land disputes and false implication of the petitioner and his family member.

Having regard to the submissions made hereinabove and considering the fact of land dispute and previous enmity and probability of false implication, the



petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sadar, East Champaran, Motihari in connection with Rajepur P.S. Case No. 109 of 2017, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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