

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32116 of 2022

Arising Out of PS. Case No.-139 Year-2021 Thana- NOWKOTHI GARHPURA District-
Begusarai

=====

DAMODAR DAS, Son of Late Dhandeshwar Yadav, Resident of Village -
Nowkothi, Ward No. 02, P.S. Nowkothi, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Ms.Meena Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 19-01-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Nowkothi P.S.
Case No. 139 of 2021 registered for the offence punishable under
Sections 302 and 120(B) of the Indian Penal Code.

The prosecution case alleges that the dead body of the
victim has been found by the villagers after a stench was emanating
from the house. The villagers have informed the police party that it is
the petitioner (elder son of the victim) along with his grandson and
other miscreants who has killed the victim because she had registered
her lands in favour of the petitioner's brother (younger son of the
victim).

Learned counsel for the petitioner submits that the
petitioner's implication is on alleged statement of villagers, based on



suspicion and motive arising out of alleged sale of lands by the victim in favour of her younger son. The younger son has been examined in the course of investigation and as per petitioner's knowledge, he has not supported this fact. Having no antecedents, the petitioner is stated to be in custody since 19.01.2022.

In the circumstances, the case diary had been requisitioned. Learned APP for the State has opposed the prayer for bail. However, in paragraph 63 of case diary, statement of the younger son has been recorded. He has not supported the prosecution case based on the motive forming the basis of suspicion leading to the petitioner's implication.

In view of the nature of accusations, the material in investigation, period of custody, this Court is inclined to allow the prayer for bail of the petitioner.

Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Begusarai, in connection with Nowkothi P. S. Case No. 139 of 2021, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the



address of the petitioner.

(ii)That the petitioner will be well represented on each date
and if he fails to do so on two consecutive dates, his bail
bond will be liable to be cancelled.

(Madhuresh Prasad, J)

shashank/-

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

