

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17146 of 2024**

Arising Out of PS. Case No.-274 Year-2023 Thana- DURAULI District- Siwan

Mantu Rai S/o Sri Prashant Rai R/O VILLAGE - KEWA TALIA, P.S. -
DARAULI, DISTRICT - SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 34804 of 2024

Arising Out of PS. Case No.-274 Year-2023 Thana- DURAULI District- Siwan

PRASHANT RAI SON OF LATE PAHWARI RAI RESIDENT OF
VILLAGE - KEWTALIA, POLICE STATION - DARAULI, DISTRICT -
SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 17146 of 2024)
For the Petitioner/s : Mr.Bijay Prakash Singh
For the Opposite Party/s : Mr.Shailendra Kumar Singh
(In CRIMINAL MISCELLANEOUS No. 34804 of 2024)
For the Petitioner/s : Mr.Bijay Prakash Singh
For the Opposite Party/s : Mr.Nagendra Prasad

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 11-09-2024 Both the cases arise out of the same case i.e. Darauli
P.S. Case No. 274 of 2023 and hence, both the applications are
being heard and disposed of by this common order.

Heard learned counsel for the petitioners and learned
APP for the State.



2. The petitioners seek regular bail in connection with Darauli P.S. Case No. 274 of 2023 registered for the offence punishable initially registered under Sections-363, 365 of the Indian Penal Code in which, later on, Sections-302, 201, 120(B) of the Indian Penal Code was also added.

3. As per prosecution case, father of the informant had executed a sale deed in favour of one, Manoj Gupta. The deceased was working in a brick kiln situated at Agsara, Darauli. The informant (one of the sons of the deceased), in order to trace the whereabouts of his father, went to the said brick kiln where the labourers apprised him that his father was not coming at work for two days. The informant has further stated that his father was having Rs. 4,00,000/- (Four Lacs). Thereafter, the informant contacted Manoj Gupta to whom, his father had alienated the land, Manoj Gupta apprised him that the deceased had given Rs. 4,00,000/- (four lacs) to Prashant Rai (petitioner in Cr. Misc. No. 34804 of 2024). It has been mentioned that his father is still traceless.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and they have falsely been implicated in this case. He has also submitted that the statements of Jagdish Chouhan, son of the deceased was



recorded twice at paragraphs-3 & 31 of the case diary and both the statements made in these two paragraphs are contradictory to each other. In paragraph-3, Jagdish Chouhan did not say that he saw the petitioner, Mantu Rai with the deceased whereas in paragraph-31 of the case diary, he stated that he had seen the petitioner Mantu Rai with his father. The informant is his own brother but the informant did not mention this thing in his fardbeyan. Learned counsel has submitted that it has been detected during course of investigation that the deceased had an altercation with his sons prior to the occurrence as they were not happy with alienation of the property by the deceased in favour of Manoj Gupta.

5. On the otherhand, learned counsel appearing for the State has opposed the prayer for bail by submitting that in paragraph-30 of the case diary, one of sons of the deceased has stated that he had seen Mantu Rai (petitioner in Cr. Misc. No.17146 of 2024) pressing throat of the deceased.

6. It appears that there are contradictory statements in paras-3 & 31 of the case diary. It also appears that prior to the occurrence, the deceased had an altercation with his sons with regard to sale of a piece of land.

7. Considering the aforesaid facts and circumstances,



let the petitioners named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Darauli P.S. Case No. 274 of 2023 subject to the condition that the petitioners shall cooperate with the trial and make themselves available as and when required by the court.

(Nawneet Kumar Pandey, J)

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