

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30103 of 2024

Arising Out of PS. Case No.-951 Year-2021 Thana- GAYA COMPLAINT CASE District-
Gaya

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Sunil Kumar @ Sunil Raut Son of Shiv Raut Resident of Village- Sekhabigha,
P.S.- Buniyadganj, District- Gaya, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Rupa Devi D/o of Rameshwar Raut Resident of Village- Chhotki Nawada,
Balaji Nagar, Near Office of Dainik Jagran News Paper, P.S.- Delha, Dist.-
Gaya. Pin Code- 824231

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh, Adv.
For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 21-05-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Complaint Case No.951 of 2021 instituted under Sections
323,506, 498(A), 201, 302, 120B, 384 and 386/34 of the Indian
Penal Code.

3. The prosecution case, in short, is that marriage of the
complainant was solemnized with co-accused, namely Anil Raut
18 years back as per Hindu rites and rituals . It is further alleged
that the landed property of the father-in-law of the complainant
was divided in presence of witnesses and one share was allotted
to the husband of the complainant. On 30-01-2021, the husband
of the complainant has gone for *Panchayati* but, after
'*Panchayati*' he did not return. The dead body of her husband
was found hanged on a Mahua Tree. Thereafter, on 31-01-2021



police has come and prepared inquest report and also done the postmortem. After postmortem report, Buniyadganj PS U.D. Case No. 02 of 2021, dated 01-02-2021 was registered by the police. The complainant has alleged that all the accused persons might have killed her husband for the purpose of grabbing his landed property.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that petitioner is '*dewar*' of the complainant and he has no concern with the occurrence. The petitioner lives separately from the complainant. A U.D. case *vide* Buniyadganj U. D. Case No. 02 of 2021, dated 01-02-2021 was registered by the police whereas, inquest report and postmortem report revealed grievous injuries not caused by self hanging, but otherwise caused by accused. It is further submitted that bare perusal of the inquest report and postmortem report would go to show the truth that after committing murder of victim (husband of the complainant) all the accused persons for the purpose of grabbing the landed property of the victim, got the dead body tied with rope from a *Mahua* tree near *Hanuman Bagicha* to destroy the evidence of murder committed by them. The allegation against all the accused persons including the petitioner is general and omnibus. There is no specific allegation against the petitioner and there is no eye witness to the occurrence. The petitioner is the younger brother of the deceased, namely, Anil Raut. It is also submitted that there is civil dispute between the complainant and the family members of the petitioner. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for bail.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned JM 1st Class, Gaya, in Complaint Case No.951 of 2021, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

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