

Arising Out of PS. Case No.-188 Year-2023 Thana- AURAI District- Muzaffarpur

... .. Petitioner/s

Versus

... .. Opposite Party/s

For the Petitioner/s : Mr. Sitaram Prasad, Advocate
For the Opposite Party/s : Mr. Umesh Lal Verma, A.P.P.

3 19-07-2024

1. Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302 and 506/34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent. It is further submitted that petitioner has been falsely implicated in the instant case by the informant with an allegation that she resides alone at Muzaffarpur where she works and her minor daughters aged about 17 and 14 years are residing in the village home of their father where they study. It is next alleged that her younger daughter on 02.08.2023 in between 12:00-12:30 a.m. called the informant and informed her that the accused persons including



the petitioner assaulted her elder daughter brutally by lathi, danda and sharp-edged weapon as she was demanding share in the property and thereafter she was murdered. It is next alleged that her younger daughter was threatened that if she discloses the occurrence to anyone, she will be killed. Further, on coming to know about the occurrence, the police was informed and thereafter the police reached the place of occurrence. It is next alleged that her mother-in-law, father-in-law, sister-in-law and other accused committed the occurrence with a view to usurp the share in the property of her husband.

4. Learned counsel for the petitioner submits that the allegation as alleged in the FIR does not inspire confidence. It is further submitted that the petitioner is cousin grand-father of the deceased. It is next submitted that husband of the informant who was son of Raja Ram Sah, died and thereafter the family members of her husband were taking care of his children who were residing with them. It is also submitted that it absolutely does not stand to reason that if petitioner along with other accused had any intention of committing such an occurrence then why they would have left an evidence against themselves in shape of the younger daughter of the informant. It is further submitted that the police after the occurrence had reached the



place of occurrence but then did not arrest any of the accused persons for the reason that the deceased had committed suicide. It is next submitted that petitioner is cousin grand-father of the deceased, as such, he had no share in the property of the husband of the informant, hence, question of usurping the same does not arise nor the same gives any motive to the petitioner for committing such an occurrence. It is also submitted that the deceased committed suicide and the police after investigation also found the case to be true under Section 306 of the Indian Penal Code. It is further submitted that there is delay of three days in instituting the instant case. It is next submitted that Jaylas Devi and Rupa Devi had approached this Court seeking anticipatory bail by filing Cr. Misc. No. 37906 of 2024 and the same was allowed by an order dated 04.07.2024.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioner but then the learned counsel appearing on behalf of the informant does not dispute the said submission of the learned counsel for the petitioner that the police after investigation found the case true under Section 306 of the Indian Penal Code.

6. Considering the submissions made by the learned



counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) 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 Aurai P.S. Case No. 188 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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