

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30107 of 2024

Arising Out of PS. Case No.-1199 Year-2023 Thana- TURKAULIYA District- East
Champaran

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1. Shambhu Rai S/o Amar Rai R/o vill - Laxmipur, P.S. - Sugauli, Distt. - East Champaran
 2. Sarita Devi W/o Shambhu Rai R/o vill - Laxmipur, P.S. - Sugauli, Distt. - East Champaran
 3. Kunal Kumar S/o Shambhu Rai R/o vill - Laxmipur, P.S. - Sugauli, Distt. - East Champaran
 4. Punit Sahani S/o Babulal Sahani R/o vill - Laxmipur, P.S. - Sugauli, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Anjali
For the Opposite Party/s : Mr.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 21-09-2024 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with
Turkaulia P.S. (Ragunathpur) P.S. Case No. 1199 of 2023 dated
24.11.2023 registered under Sections 302 / 34 of the I.P.C.

3. As per the prosecution case the nephew of the informant
has been killed by the petitioners for the reasons that the
deceased demanded consideration amount of the land which was
sold in favour of the accused persons by him.

4. Learned counsel for the petitioners submits that petitioners
have falsely been implicated in this case with malice intention.



Learned counsel further submits that the sale deed for a piece of land was executed by the deceased in favour of the petitioner no. 1 vide deed no. 17257 dated 11.10.2023 and from perusal of the sale deed it is evident that entire consideration amount was paid by the petitioner no. 1 in favour of the deceased. The deceased has died in a rental house situated in the village Raghunathpur. Referring to the post mortem report, learned counsel submits that the cause of death mentioned by the doctor is pleural effusion and pericardial effusion and shock and not due to asphyxia. Plueral effusion is a symptom of building up of fluid between the tissues that line the lungs and the chest. The deceased was suffering from asthma over a long period and due to his medical condition he died.

5. On the other hand, learned counsel for the informant opposed the prayer for anticipatory bail and submits that petitioners are named in the F.I.R. and the witnesses have supported the prosecution story.

6. Regard being had to the submission made by the parties, taking into consideration the cause of death mentioned in the post mortem report and the fact that sale deed was executed after receipt of entire consideration amount on 11.10.2023 , I am inclined to grant anticipatory bail to the petitioners.



7. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Motihari, East Champaran in connection with Turkaulia (Raghunathpur) P.S. Case No. 1199 of 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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