

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38020 of 2024

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

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| 1. Baijnath Raut @ Baijnath Kumar, aged about 33 years (Male) | |
| 2. Raju Raut @ Raju Prasad, aged about 50 years (Male),
Both sons of Late Shiv Raut @ Late Shiva Raut, R/O Village- Sheikha
Bigha, P.S.- Buniyadganj, Dist.- Gaya | |
| Petitioner/s | |
| Versus | |
| 1. The State of Bihar | |
| 2. Rupa Devi, wife of Late Anil Raut @ Anil Kumar @ Nanka, D/O
Rameshwar Raut @ Rameshwar Raut, R/O Village- Chhotki Nawada Balaji
Nagar, Near Office of Dainik Jagran Newspaper, P.S.- Delha, Dist.- Gaya | |
| Opposite Party/s | |
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Appearance :

For the Petitioner/s	:	Mr. Priya Ranjan, Advocate
For the Opposite Party/s	:	Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 04-10-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with
Complaint Case No.951 of 2021 dated 08.10.2021, 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 deceased, 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 had 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 came 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 petitioners submits that the petitioners are innocent and they has been falsely implicated in this case. It is further submitted that petitioner no.1 is '*Dewar*' of the complainant and petitioner no.2 is '*Bhaisur*' of the complainant and they have no concern with the occurrence. The petitioners live 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 that no external injuries were found on the person of the deceased which clearly shows that it is a case of suicide. The allegation against all the accused persons including the petitioners is general and omnibus. There is no



specific allegation against the petitioners and there is no eye witness to the occurrence. It is also submitted that there is civil dispute between the complainant and the family members of the petitioners. Further submission is that co-accused, Sunil Kumar @ Sunil Raut, has been granted anticipatory bail by this Court by order dated 21.05.2024 passed in Cr. Misc. No.30103 of 2024. Lastly, it is submitted that the petitioners have 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 petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each 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)

J. Alam/-

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