

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43753 of 2024

Arising Out of PS. Case No.-675 Year-2022 Thana- BAHADURPUR District- Darbhanga

Suresh Singh, aged about 60 years (Male), S/o Aash Narayan Singh, Resident of Village-Khaira, P.S.-Bahadurpur (Patore O.P), District-Darbhangha.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mrs. Anju Jha, Advocate
For the Opposite Party : Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Bahadurpur (Patore O.P.) P.S. Case No. 675 of 2022 dated 28.12.2022 (G.R. No. 4207 of 2022) registered for the offences punishable under Sections 365, 302 and 120B/34 of the I.P.C.

3. As per the prosecution case, the elder brother of the informant, namely, Ram Dev Mandal (now deceased) was mentally ill and Suresh Singh (petitioner) and his two sons, the co-accused Pappu Singh and Murari Singh had kidnapped his elder brother and kept in their possession and also got so many properties registered in their name as well as in the name of others. The son of the informant's elder brother, namely, Sanjay



Mandal gave application to so many officers and on 20.06.2022 he had also gave application to the Senior Superintendent of Police, Darbhanga and the officer-in-charge of Patore O.P. On 24.12.2022, he came to know that the co-accused, Pappu Singh, Murari Singh, Jata Shankar Jha, Suman Kumar, Shambhu Nath Jha, Sunita Devi and Uday Chandra Jha, took the informant's elder brother to the registry office for registration of sale deed but the Registrar of the registry office, Laheriasarai, after seeing his condition, denied to register the land. Thereafter, the accused persons took him to other place. The accused persons also took the money from him which was given for execution of sale deed of the property. On 26.12.2022 at about 10.00 P.M., the accused persons brought one Ambulance bearing BR07PF0560 on which his dead body was kept and one motorcycle bearing no. BR07M-9497 on which one person was going ahead. It is further alleged that the Ambulance on which his dead body was kept, parked at the darwaza of the informant and tried to unload his dead body on his darwaza. The informant raised alarm then the co-villagers gathered and thereafter the man riding on the motorcycle fled away and they caught the driver of Ambulance who disclosed his name as Md. Arman and on query, he disclosed that the co-accused Jata Shankar Jha, Suman Kumar



Jha, Shambhu Nath Jha and Uday Chandra Jha had sent the dead body on Ambulance. He further disclosed that in Ambulance, Suman Jee Jha who was sitting with dead body, before 2-3 K.M., two persons after surrounding, stopped the vehicle and one Kuwar Jee Jha got down his own brother Suman Jee Jha from the vehicle and one man who was riding on the motorcycle showing him the way by aheading on motorcycle.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the allegation of kidnapping the deceased against the petitioner is false as the deceased was about 76 years old person suffering from several chronic diseases. It is further submitted that the deceased had died his natural death due to chronic diseases during the course of treatment as indoor patient for several days which reveals from perusal of the death certificate issued by R.B. Memorial Hospital which speaks that the deceased died of C.R. arrest and nothing unnautical was found by the treating doctor till his death. It is further submitted that the deceased used to live in Surat, Gujrat and was doing business of diamond and he frequently used to come to the village and purchased 11 kathas of land in the market of his village over which he had made



Gayatri Mandir and *Mall* and had also constructed a house. It is further submitted that the occurrence took place on 26.12.2022 and the F.I.R. has been lodged on 28.12.2022 after a delay of two days for which no explanation has been given by the prosecution. The petitioner has two criminal antecedents in which he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 03.04.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Darbhanga in connection with Bahadurpur (Patore O.P.) P.S. Case No. 675 of 2022 (G.R. No. 4207 of 2022) with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.



7. The application stands allowed.

(Chandra Prakash Singh, J)

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