

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43987 of 2024

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

1. Sunita Devi Wife of Chandra Bhushan Jha Resident of village - Ughra, P.S.- Bahadurpur (Patar O.P.), District - Darbhanga.
2. Jata Shankar Jha @ Jata Shankar Kumar Jha Son of Chandra Bhushan Jha Resident of village - Ughra, P.S.- Bahadurpur (Patar O.P.), District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 20-09-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The Petitioners are apprehending their arrest in a case in connection with Bhadaurpur (Patar OP) P.S. Case No. 675 of 2022 dated 28.12.2022 registered for the offences punishable under Sections 365, 302, 120B/34 of the Indian Penal Code.

3. The prosecution case, as per the First Information Report, is that the elder brother of the informant, namely, Ram Dev Mandal (now deceased), was mentally challenged and it has been alleged that taking advantage of the same, co-accused Pappu Singh, Murari Singh and other persons got his property registered in their names, for which, written complaint was filed before the police. It has further been alleged that on 24.12.2024,



the petitioners, along with other co-accused persons, kidnapped the informant's elder brother, kept him in their custody and took him before Registry Office for registration of sale deed, which was refused by the Registrar after taking account the mental condition of the informant's brother. On 26.12.2022, in the night, at about 10:00 PM, a person was driving motorcycle ahead of an ambulance, having dead body of the informant's brother, arrived in the village near the informant's house and upon alarm being raised, the person driving the motorcycle fled away and the driver of the ambulance was caught. The driver revealed that the co-accused persons were leading him towards the informant's house on a motorcycle.

4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioner No. 1 is 70 years old lady and the petitioner No. 2 is Army personnel and has no involvement in the alleged occurrence. It is 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 abnormal was found by the treating doctor till his death. 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. There Similarly situated co-accused has already been granted bail by the Co-ordinate Bench of this court *vide* order dated 21.08.2024 passed in Cr. Misc. No. 49763 of 2024. Both of the petitioners have one criminal antecedent as stated at para 3 of the bail petition.

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

6. Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Darbhanga, in connection with Bhadaurpur (Patar OP) P.S. Case No. 675 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

Aman Kumar/-

(Chandra Prakash Singh, J)

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