

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40838 of 2024

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

Rajaram Sah Son of Late Laxmi Sah (Grand Father of the Deceased) R/O
village- Shambhuta , p s- Aurai, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar

For the Opposite Party/s : Mr. Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 24-07-2024 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the 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, 506 and 34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that petitioner has antecedent of one case, but then the said case was also instituted by the instant informant who is his daughter-in-law. It is next 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 years and 14 years, are residing in the village home of their father, where they



study, it is next alleged that her daughter on 2-8-2023 at 12:00-12:30 am, called and informed 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 in the event 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 further alleged that her mother-in-law, father-in-law, sister-in-law (*gotni*) and others committed the occurrence with a view to usurp the share in the property of her late husband.

4. Learned counsel for the petitioner submits that allegation as alleged in the FIR does not inspire confidence, it is next submitted that the petitioner is grandfather (dada) of the deceased, it is next submitted that husband of the informant, who was son of the petitioner died and thereafter the petitioner along with his husband were taking care of his children, who were residing with them and studying. It is next submitted that it absolutely does not stand to reason that if the petitioner had any intention of committing the occurrence, then why he would have



left an evidence against himself in shape of the younger daughter of the informant. It is further submitted that 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 also submitted that if the petitioner had any motive of usurping the share in the property of the late husband of the informant in that event he would not have kept the children with himself, it is also submitted that even by killing one daughter the entire property would not have come to the share of the petitioner and his family members when wife and younger daughter of his son were alive. It is next submitted that children were being reared by the petitioner and his wife and they were taken well care of.

5. It is also submitted that the elder grand-daughter committed suicide and the police during the course of investigation has also found the case to be true under Section 306 of the IPC. It is next submitted that no grandfather would kill his own grand-daughter. It is next submitted that relationship of the informant with the family members of her husband is not cordial as such she had earlier implicated the petitioner in a case as recorded at Para-3 of the anticipatory bail application.



6. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant oppose the prayer for anticipatory bail of the petitioner, but then the learned counsel appearing on behalf of the informant fairly submits that during the course of investigation, the police has found the case to be true under Section 306 of the IPC.

7. 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 trial court 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 trial court 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)

Rishabh/-

U		T	
---	--	---	--

