

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49763 of 2024

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

Suman Kumar Jha @ Sumanjee Jha SON OF RABINDRA JHA VILLAGE-
UGHRA, PS- BAHADURPUR, DIST- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sameer Ranjan

For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 21-08-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Bahadurpur Police Station Case No. 675 of 2022, dated 28.12.2022, disclosing offences under Sections 365/302/120(B)/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 24.12.2022, the petitioner, 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, one ambulance, having dead body of the informant's brother, arrived in the village near the informant's house and upon alarm being raised, 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 petitioner submits that the petitioner has falsely been implicated in the present case on the basis of concocted story and he has not committed any offence in the manner alleged. He next submits that from perusal of the First Information Report, it transpires that the ambulance, having dead body of the informant's brother, which arrived near the informant's house in night, was being led by one person riding on a motorcycle and the petitioner got down from the ambulance 2-3 kms before the house of the informant. He further submits that the deceased Ram Dev Mandal was seriously ill and was



under treatment of Dr. U. C. Jha from 10.12.2022 to 20.12.2022. Subsequently, the deceased was referred to R. B. Memorial Hospital, Darbhanga and then to higher medical center for better treatment. In the post mortem/viscera report aluminium phosphide was detected which is commercially known as Celphos. He further submits that the deceased might have committed suicide due to his ill health and mental condition. There is two days of delay in lodging First Information Report.

5. Regards being had to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the post mortem/viscera report of the deceased, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga, in connection with Bahadurpur Police Station Case No. 675 of 2022, subject to the



condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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