

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56538 of 2023

Arising Out of PS. Case No.-46 Year-2022 Thana- CHAKAI District- Jamui

Raj Kumar Sah @ Rajkumar Saw, Son Of Bahadur Sah @ Bahadur Saw R/O
Dalnidih, P.S. Chakai, District- Jamui, State- Bihar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brajesh Sahay
		Miss Harshita
		Mr. Amit Narayan
For the Opposite Party/s :		Ms. Renu Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 05-04-2024 1. Heard learned counsel for the petitioner and learned APP for the State.
2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 302, 120(B) and 34 of the Indian Penal Code.
3. The learned counsel for the petitioner submits that the petitioner has antecedent of two cases and has been falsely implicated in the instant case by the informant, who is son of the deceased. It is next submitted that the informant alleges that his father was having dispute relating to property with the accused persons including the petitioner for the last more than 25 years and a case was going on in between the parties in a Court of competent jurisdiction. It is next alleged that on 03.03.2022, the



deceased left the house for going to the Court early in the morning at 5.00 A.M., while the informant also left home at 8.45 A.M. for finding labour work and when he reached near Gardaha river, he saw the dead body of his father and thus, based on suspicion alleges that the accused persons including the petitioner on account of dispute relating to property might have killed his father.

4. The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant is not an eye witness to the occurrence. It is also submitted that what's stands admitted and not disputed is that there is a property dispute in between the family of the informant and the petitioner for the last 25 years. It is thus submitted that if in these 25 years, the petitioner never made any attempt to commit any occurrence with the family of the informant, why the petitioner after 25 years would have killed his father. It is also submitted that the entire allegation hinges around suspicion and from perusal of the F.I.R., it would manifest that there is no eye witness to the occurrence. It is further submitted that petitioner will not abscond rather will cooperate in the investigation.

5. The learned A.P.P. opposes the anticipatory bail



application, but then, is not in a position to rebut the submission of the learned counsel for the petitioner that the informant is not an eye witness nor during the course of investigation, any eye has come to substantiate the case of the prosecution.

6. Considering the submissions and the fact that the entire allegation hinges around suspicion, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-V, Jamui (Serial No.641 of 2022) in connection with Chakai P. S. Case No.46 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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