

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52061 of 2024

Arising Out of PS. Case No.-1234 Year-2023 Thana- MADHEPURA District- Madhepura

Niranjan Sah @ Niranjan Kumar Son of Rabindra Sah Resident of village - Sakarpura, Police Station - Madhepura (Bharrahi O.P.), District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad
For the Opposite Party/s : Ms.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 05-10-2024 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.
2. The petitioner seeks bail in connection with Madhepura (Bharrahi O.P) P.S.Case No. 1234 of 2023 registered for the offences punishable under Sections 302 and 120B of the Indian Penal Code and Section 27of the Arms Act.
3. The learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is in custody since 22-12-2023. It is next submitted that informant alleges that he was working in a private firm at Hyderabad and on 18-12-2023, he received an information on his phone that his mother, father and brother have been killed, accordingly he reached his village on 20-12-2023 and saw the dead body of his father, mother and brother,



which was brought after post-mortem, thereafter he inquired about the occurrence and based on suspicion, implicated 24 persons alleging that they, being relatives, on account of dispute relating to property, have committed the occurrence, further alleges that on 17-12-2023, he was threatened by Bablu Sah that his family would be killed along with him by the help of Amrenda and other FIR named accused persons.

4. The learned counsel for the petitioner submits that what is not in dispute rather stands admitted is that informant is not an eyewitness to the alleged occurrence as he was at Hyderabad at the relevant time when the occurrence is alleged to have taken place. It is next submitted that the informant does not disclose that as to who informed him about the occurrence which casts an aspersion on the case of the prosecution. The learned counsel next submits that during the course of investigation the statement of Deepmala Kumari, who is bhabhi of the informant and wife of the deceased brother, was recorded, who stated before the police that she had seen the occurrence and named eight accused persons along with unknown accused persons of having committed the occurrence and specifically named this petitioner to be the assailant of the deceased. The learned counsel further submits that if Deepmala had witnessed the occurrence and alleges that it was this petitioner who killed the deceased person then why



she did not inform the police when the occurrence took place which further casts an aspersion on the case of the prosecution. It is also submitted that the FIR came to be instituted only after the informant came from Hyderabad, as such, it appears that in order to settle the land dispute by way of afterthought, the accused persons including the petitioner came to be implicated.

5. The learned counsel appearing on behalf of the informant opposes the regular bail application and submits that a gruesome act of murder of three persons was committed. It is also submitted that Deepmala had witnessed the occurrence but then since her husband was shot dead, as such, she was not in her proper frame of mind to institute an FIR, hence the FIR came to be instituted after the informant came back from Hyderabad. It is also submitted that delay is not fatal. It is next submitted that informant and the petitioner are agnates and are having dispute relating to land, as such, the petitioner committed the occurrence and also confessed his participation in the gruesome offence, on which the learned counsel appearing on behalf of the petitioner submits that confession before police is not admissible in evidence.

6. Learned counsel for the petitioner next submits that Ranjan and Sarovar had moved this court seeking anticipatory bail by filing Cr. Misc No. 22407 of 2204 and the same came to be allowed by an order dated 23-4-2024, but then the learned counsel



appearing on behalf of the informant submits that the case of Ranjan and Sarovar was different from that of the instant petitioner for the reason that Deepmala had not named them.

7. At this stage, the learned counsel appearing on behalf of the petitioner submits that Deepmala is not a witness in the FIR, on which the learned counsel appearing on behalf of the informant submits that one can well imagine the frame of mind of a wife whose husband was shot dead in her presence along with her in-laws, as such, the informant at the time of registering the FIR did not make her a witness.

8. Considering the submissions made by the learned counsel appearing on behalf of the informant and the fact that three persons have been killed and Deepmala had not named Ranjan and Sarovar in her statement before the police, the Court is not inclined to release the petitioner on bail.

9. Accordingly, the prayer for regular bail of the petitioner is rejected.

(Satyavrat Verma, J)

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