

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53569 of 2024

Arising Out of PS. Case No.-219 Year-2024 Thana- GHORASAHAN District- East
Champaran

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1. Sabita Devi Wife of Sharma Ray R/O Vill.- Kadamava Yadav Tola, P.s.-
Ghorasahan, Dist.- East Champaran
 2. Rina Devi Wife of Sudhir Rai R/O Vill.- Kadamava Yadav Tola, P.s.-
Ghorasahan, Dist.- East Champaran
 3. Ramprit Rai Son of Late Mohan Rai R/O Vill.- Kadamava Yadav Tola, P.s.-
Ghorasahan, Dist.- East Champaran
 4. Sudhir Rai Son of Late Mohan Rai R/O Vill.- Kadamava Yadav Tola, P.s.-
Ghorasahan, Dist.- East Champaran
 5. Anil Rai Son of Sharma Ray R/O Vill.- Kadamava Yadav Tola, P.s.-
Ghorasahan, Dist.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 56277 of 2024

Arising Out of PS. Case No.-219 Year-2024 Thana- GHORASAHAN District- East
Champaran

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1. Sandip Rai Son of Sharma Ray R/O Village- Kadamava Yadav Tola, P.s.-
Ghorasahan, Dist.- East Champaran
 2. Sunil Rai Son of Sharma Ray R/O Village- Kadamava Yadav Tola, P.s.-
Ghorasahan, Dist.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :



(In CRIMINAL MISCELLANEOUS No. 53569 of 2024)
For the Petitioner/s : Mr.Manoj Kumar, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 56277 of 2024)
For the Petitioner/s : Mr.Manoj Kumar, Advocate
For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-09-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Ghorasahan P.S. Case No. 219 of 2024, registered on 04.05.2024 for the offences under Sections 302/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners assaulted the wife of the informant with Farsa, rod, lathi, danda, fists and slaps. When the informant tried to save her, he was chased by petitioner Ramprit Rai, who was armed with Farsa. The police came from the local police station and took the wife of the informant to hospital and during her treatment, the wife of the informant died.

4. Learned counsel for the petitioners submits that the occurrence is stated to have taken place on 06.03.2024, the wife of the informant died on 01.05.2024, no FIR has been lodged during this period. The FIR has been lodged only on



04.05.2024. Learned counsel further submits that it is also averment in the FIR that police came and took the wife of the informant to hospital. The falsity of the statement is apparent as no FIR was registered even by the police. Learned counsel further submits that the postmortem report shows that the wife of the informant died due to septic shock, infective pathology and no external injuries were observed which completely falsifies the allegation made by the informant. The petitioners being the agnates of the informant have been falsely implicated in this case due to ongoing land dispute between the parties. Learned counsel further submits that the wife of the informant was ill and she was treated in Rahmaniya Hospital, Motihari and she died during her treatment. This false case has been lodged only to blackmail the petitioners. The allegations are not believable further for the reason that the informant has named altogether seven persons in the FIR apart from 2-4 unknown persons for assaulting his wife with lathi, danda, rod and Farsa but no such injuries have been found. Petitioners are having clean antecedent except petitioners Sandip Rai and Sunil Rai, who are having antecedent of one case each.

5. Learned APP vehemently opposes the submission made on behalf of the petitioners. Learned APP submits that the



specific allegation against the petitioners is that due to their assault, the wife of the informant succumbed to the injuries during treatment.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the inordinate delay in lodging the FIR and the absence of injuries, cause of death and further considering the strong possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Sikrahna at Dhaka, East Champaran/concerned court in connection with Ghorasahan P.S. Case No. 219 of 2024, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the



court below, if so required by the
learned trial court.

(Arun Kumar Jha, J)

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