

Arising Out of PS. Case No.-280 Year-2024 Thana- JAKKANPUR District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Raj
For the Opposite Party/s : Mr. Dr. Ajeet Kumar
For the informant : Mr. Ajay Kumar Singh No.1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-09-2024 1. Heard learned counsel for the petitioner, learned APP for the State and the learned counsel appearing on behalf of the informant, Mr. Ajay Kumar Singh No.1.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 341, 323, 385, 302, 504 and 34 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is aged about 84 years and the informant alleges that his mother was doing some work on the terrace on 20.05.2024, when his grandmother (petitioner) came on the terrace and started abusing his mother and said to leave the house, on which his mother said



that the house has been partitioned, hence both of her (petitioner) sons will live in this house, on which petitioner said that only Manoranjan will stay in the house and if you intend to stay in the house with your family then you will have to pay an amount of Rs. 50 lacs, thereafter petitioner dashed his mother on the ground of the terrace, when his father came and tried to reason out with his mother (i.e. petitioner) but he was assaulted by the petitioner, Manoranjan, Manju, Priyanshu and Nikhil. Further, on account of assault his father received internal injury and was taken to P.M.C.H., where he was declared brought dead on 20.05.2024.

4. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case by the informant, who is her grandson. It is further submitted that a property dispute had arisen between the deceased and Manoranjan, on account of the said dispute the petitioner was siding with Manorajan which the family of the deceased did not like. It is also submitted that Manoranjan was weak in comparison to the deceased, as such, being mother she had a genuine care for Manorajan, but, then submits that as far as allegation of assaulting the deceased by petitioner is alleged, the said is ornamental.



5. It is further submitted, no doubt, an altercation had taken place in between Manoranjan and his brother (deceased), and thereafter a fight took place but then petitioner being mother was trying to pacify the brothers. It is also submitted that from perusal of the post-mortem report, it would manifest that the same records that the death of the deceased was caused due to cranio cerebral damage and its complication from head injury, resulting from blunt force impact. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant does not even remotely suggest that his father was assaulted by any hard or blunt object, causing injury on head. It is further submitted that on account of altercation and fight, the deceased had fallen, on account of which, he might have received injury leading to his death but then he was also suffering from kidney problems. It is also submitted that no mother would kill her own son.

6. The learned APP for the State and the learned counsel appearing on behalf of the informant opposes the anticipatory bail application but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that allegation of assault is general and omnibus in nature and there is no specific allegation of assaulting the



deceased by any hard and blunt object on his head.

7. Considering the submissions made by the learned counsel for the petitioner, and the fact that the petitioner is mother of the deceased, 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 ACJM-VIII, Patna in connection with Jakkanpur P.S. Case No. 280 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. **The application stands allowed.**

(Satyavrat Verma, J.)

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