

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64602 of 2024

Arising Out of PS. Case No.-534 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Bal Mukund Prasad Gupta Son of Late Ganori Sah @ Guneshwar Gupta
Resident of Bariyahi Bazar, P.S.- Bangaon, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate

Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 20-12-2024 1. Heard learned Senior counsel for the petitioner, Mr. Krishna Prasad Singh, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant, Ms. Rashmi Jha.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302, 506 and 120(B) of the Indian Penal Code read with Sections 25(1-B)a, 26, 27 and 35 of the Arms Act.

3. Learned Senior counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case by the informant based on suspicion that he along with his sons were instrumental in killing the deceased who is also the son of the petitioner. The learned Senior counsel submits that it absolutely does not stand to reason that petitioner who is father of the deceased would have killed his own son in connivance with his other son for property. It is next submitted



that informant in the FIR based on suspicion alleges that she was married to Saroj (deceased) in the year 2021 and were staying on rent in a room at Amar Niwas, further were getting a house constructed on the purchased land in a lane near *Saraswati* Press at Gandhi Path, on 31.05.2024 at 06:00 AM, her husband dropped her where construction was going on, after some times, she called her husband on mobile, but the mobile was picked by a stranger, who disclosed that an occurrence has occurred with her husband near *Rahua* Mani canal, accordingly, she reached the place of occurrence and found her husband lying dead. It is next alleged that her husband, about 3-4 days back, had disclosed that his father (petitioner) sold three *Katthas* of land of his share to one Vibha Devi, further when her husband went to ask from petitioner and his brother Amar Ranjan that as to why they have sold his share of land to Vibha, on which they threatened to kill him, next alleges that Vibha along with her husband and unknown accused also came and threatened her husband that he would be killed, thus alleges that based on suspicion that accused persons might be involved in the occurrence.

4. The learned Senior counsel submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that wife of the deceased had instituted the instant FIR. It is next submitted that informant is not the wife of the deceased



rather is wife of one Chaitanya Kumar @ Kapur @ Chaitanya Kumar (Kapuri). It is submitted that the informant has instituted a case under Section 498A of the IP read with other sections against Chaitanya in which Chaitanya was taken in custody as such he filed Criminal Miscellaneous No. 17002 of 2024 and the same came to be allowed by this Court by an order dated 14.03.2024 (Annexure-3) with a condition that Chaitanya would pay Rs. 7,000/- per month to the complainant (informant herein) by way of maintenance.

5. The learned Senior counsel next submits that it absolutely does not stand to reason that when informant was already married to Chaitanya then how come she got married to the deceased without seeking divorce from Chaitanya, it is further submitted that this amply demonstrates that the occurrence of killing of the deceased has been committed not by the petitioner and his family members, but then it appears that the informant along with other were involved in the occurrence. It is next submitted that petitioner and his family have about 15 acres of land and it absolutely does not stand to reason that as to why the petitioner along with his other son would have killed his own son for property. It is next submitted that the informant very wisely has implicated the petitioner based on suspicion alleging that the accused persons might be involved in the occurrence. It



is further submitted that the police ought to have investigated this aspect of the case also that when informant is not the legally wedded wife of the deceased, then why the FIR came to be instituted with an allegation that she is wife of the deceased.

6. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant oppose the anticipatory bail application of the petitioner, but then the learned counsel appearing on behalf of the informant is not in a position to rebut the submission of the learned Senior counsel for the petitioner that informant is legally married wife of Chaitanya and they are not divorced, but then the learned counsel appearing on behalf of the informant submits that though informant did not divorce Chaitanya, but then she married the deceased, on which the learned Senior counsel for the petitioner submits that the said submission has been made only with a view to usurp the property of the petitioner and his family members. The learned counsel appearing on behalf of the informant further submits that an FIR was instituted by the deceased against the petitioner and his family members apprehending that they may kill him, the said submission of the learned counsel appearing on behalf of the informant is rebutted by the learned Senior counsel on the ground that there may be differences between father and son, but then no father would get his own son killed for property.



7. Be that as it may, considering the submissions made by the learned Senior counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Saharsa P.S. Case No. 534 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, the instant anticipatory bail application is allowed.

(Satyavrat Verma, J)

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