

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1177 of 2021**

Arising Out of PS. Case No.-187 Year-2019 Thana- KARPI District- Jehanabad

Laltu Kurmi @ Lallu Kurmi, Son Of Late Tapasi Kurmi Resident Of Village -
Keyal, P.S. - Karpi (Saher Telp O.P.), District - Arwal.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramjit Ram, S/o Ramkewal Ram R/V-Shabajpur Dhabai, P.S.-Mehdia, Dist-Arwal.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anuj Kumar- Advocate

For the Respondent/s : Ms. Usha Kumari-I- Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

4 31-01-2025 1. Heard learned counsel for the appellant and the
learned Special Public Prosecutor for the State.

2. The appellant has challenged the order dated 03.12.2020 passed by the learned 1st Additional Sessions Judge, Jehanabad in connection with A.B.P. No.1233 of 2020 arising out of Karpi (Sahar Telpa O.P.) P. S. Case No.187 of 2019, instituted for the offences under Sections 302 and 120-B of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1)(r)(s) and 3(2)va of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, whereby his prayer for grant of anticipatory bail has been rejected.

3. From perusal of the office report dated 23.01.2025,



it would manifest that the notice on behalf of respondent no.2 has been accepted by her father, as such, the notice is deemed to be validly served.

4. The learned counsel for the appellant next submits that appellant had moved this Court seeking anticipatory bail by filing the instant appeal in February, 2021. The learned counsel next submits that appellant is a person with clean antecedent and the informant and in sum and substance, the allegation in the FIR is that the informant, who is son of the deceased, alleges that his father was killed by the accused persons including the appellant on account of dispute relating to land. The learned counsel for the petitioner next submits that from perusal of the allegation as alleged in the FIR, it would manifest that informant is not an eye witness to the occurrence and the entire allegation hinges around suspicion. It is further submitted that informant alleges that on account of dispute relating to land, the occurrence is alleged to have taken place, but then, submits that it absolutely does not stand to reason that as to why the appellant would have killed the father of the deceased, when he was not having any dispute with regard to the land in question as the land in dispute was the purchased land of the father of the informant. It is also submitted that the only motive assigned in



the FIR for the occurrence is that the accused persons including the appellant intended that the father of the informant leave the village where he was staying in the *Matth* and had purchased 09 Bighas of land.

5. The learned counsel for the appellant, at the cost of repetition, submits that appellant is the person with clean antecedent and the entire allegation hinges around suspicion as informant is not eye witness to the occurrence. It is also submitted that appellant will not abscond rather will cooperate in the investigation to prove his innocence.

6. The learned Special P. P. opposes the anticipatory bail application.

7. Regard being had to the aforesaid submissions, the order dated 03.12.2020 is set-aside.

8. The appeal stands allowed.

9. The appellant, 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.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Jehanabad in connection with A.B.P. No.1233 of 2020 arising out of Karpi



(Sahar Telpa O.P.) P. S. Case No.187 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

10. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that appellant, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the appellant after recording reasons.

(Satyavrat Verma, J)

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