

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76608 of 2024

Arising Out of PS. Case No.-126 Year-2023 Thana- TEKARI District- Gaya

Raju Bind @ Raj Kumar, Male, aged about 44 years, Son of Late Girdhari Bind, Resident of Village - Sherpura, Panchadevta, P.S. - Tekari, District - Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Pritish Kumar Lal, Advocate
For the Opposite Party : Mr. Murli Dhar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 16-04-2025 This matter has been listed under the heading 'For Orders (on office notes)' as vide order dated 25.03.2025, a report with respect to postmortem of the deceased from the Sr. S.P., Gaya was called for but from perusal of the office notes dated 11.04.2025, it appears that the same has not yet been received to this Court.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner seeks bail in connection with Tekari P.S. Case No. 126 of 2023 dated 24.02.2023 registered for the offences punishable under Sections 302, 201, 341, 323, 504, 506 read with Section 34 of the I.P.C.

4. As per the prosecution case, on 09.11.2022 in the



evening, when the informant was at her maternal house (Sasural) then she received a call from her Sasural that her husband's brother Suraj Bind and her cousin father-in-law Virendra Bind, Ashok Bind, Raju Bind (petitioner), Murari Bind and the cousin brother-in-law Pappu Bind have altogether killed her husband, Kundan Bind, due to land dispute. On getting information, the informant alongwith family members went to her Sasural where after seeing the informant, all the accused persons started abusing her and Pappu and Suraj ordered the other accused persons to kill the informant and her two sons like her husband, Kundan Bind. Thereafter, the accused persons snatched her two sons from the informant and started assaulting the informant. When her mother Lalsa Devi, Mamani Yashoda Devi, Sarita Devi and Mausir Kiran Devi came to save the informant they were also assaulted by the accused persons. Anyhow, they saved their lives and fled away from there and due to injuries received by the accused persons they were admitted to Magadh Medical Hospital for their treatment. It is further alleged that the husband of the informant was searched by the family members of the informant but he could not be traced out. The accused persons have killed her husband and thereafter his dead body was cremated or concealed.



5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is an admitted land dispute between the parties. There is no specific allegation against the petitioner rather there is general and omnibus allegation against the petitioner. There is no eye witness to the alleged offence. It is further submitted that the petitioner is a school teacher of Primary School, Sherpur, Tekari, Gaya, and who has given an application to the B.E.O., Tekari, Gaya, for granting leave from 07.11.2022 to 12.11.2022 for treatment of his son Monu Raj and for that purpose he went to Indore by Shipra Express (22912) on 06.11.2022 with his wife Rina Devi and his son Monu Raj and admitted on 08.11.2022 and consultation charge of Rs. 700/- has been paid by the petitioner, annexed as Annexures-3, 3/A to the present bail petition. Hence, he was not present on the alleged date of the occurrence rather he was present in Indore. It is further submitted that the real fact is that the husband of the informant has himself committed suicide as there was home dispute between the informant and the deceased due to which the deceased used to live in mental tension and no body has killed him. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case



since 21.07.2024.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- VIth, Gaya in connection with Tekari P.S. Case No. 126 of 2023 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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