

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83055 of 2024

Arising Out of PS. Case No.-552 Year-2022 Thana- CHAKIA District- East Champaran

Shambhu Ram S/O Late Budhan Ram RO Vill-Kuriya Bangari,P.S-
Piprakothi, Dist- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 09-06-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Chakia Police Station Case No. 552 of 2022, dated 23.12.2022, disclosing offences punishable under Sections 364/302 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that the petitioner is the brother-in-law of the informant and he used to visit the informant's house and developed love affair with the informant's wife. The informant resides at Agra for his livelihood and it is said that a sum of Rs. 8,00,000/- was given by the informant to his wife and the petitioner allured the informant's wife and took a sum of Rs. 8,00,000/- from her by saying that he would execute a sale deed for a piece of land in her favour, but



he did not return the amount to the informant's wife. The informant's wife narrated the entire fact to her husband, i.e. the informant and on 13.04.2021, at about 01 PM, in order to grab the money, the petitioner took the informant's wife with him in presence of her children, whereafter there is no trace of the informant's wife.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case with oblique motive. The petitioner is the brother-in-law of the informant. On 21.11.2017, a sale deed was executed in favour of the petitioner's wife as well as the wife of the informant for a piece of land having an area of 3.3 decimals with consideration amount of Rs. 8,25,000/-. The consideration amount for the purchase of the aforesaid piece of land was paid half and half by the petitioner as well as the informant. The informant's wife died due to heart attack on 13.04.2021 and on the basis of affidavit submitted by the informant before the competent authority, a death certificate regarding the death of the informant's wife was issued having the date of death on 13.04.2021. Though the wife of the complainant/ informant died on 13.04.2021, a complaint has been filed



on 17.09.2021. The allegation made in the complaint is palpably false and fabricated, which would be evident from the death certificate of the informant's wife, annexed as Annexure 2 to this application.

- 5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the nature of allegation and the affidavit of the informant as well as the death certificate of the informant's wife, I am inclined to grant the petitioner privilege of anticipatory bail.
- 6. This application is, accordingly, allowed.
- 7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, at Motihari, in connection with Chakia Police Station Case No. 552 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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