

Court of Sessions Judge, Patna

Anti. Bail Petition No. 2027 / 2016

Sanjay Kumar Versus State of Bihar

06-02.06.2016

Heard Sri Janardan Rai, the learned counsel for the petitioner and Sri Gajendra Prasad, the learned P.P for the State.

Petitioner Sanjay Kumar apprehends his arrest in connection with Gandhi Maidan P.S. Case no. 62 /2016 u/s. 341,323,504,379,34 I.P.C

Two sons of Late Darweshwari Devi, widow of Late Ram Prasad Lal Yadav were fighting for property. Criminal cases were going on prior to the present occurrence. One of the son is informant of this case and another is petitioner.

Late Darweshwari Devi died in the night of 27.02.2016 and her dead body was disposed of by the petitioner without information to the informant and two daughters of the deceased, hence, the petitioner is being suspected to have committed murder of Darweshwari Devi and disposed of her dead body hurriedly.

Case diary reveals that the witnesses who had accompanied with the dead body for cremation, have supported the fact of cremation by the petitioner and others.

Submission of the petitioner is that the only material against the petitioner is suspicion and just to pressurize the petitioner in property dispute, present false case has been lodged.

Learned counsel for the informant opposed the prayer for bail on the ground that strong circumstances against the petitioner is that in the past also, he was in habit of fighting with the informant and the mother had lodged complaint with the police regarding earlier occurrence committed by the petitioner. The dead body was disposed of even without information to other relatives and informant's family. Title Partition suit No. 390/2005 was filed by the petitioner against the mothers and others and mother was likely to give her share to other sons and daughters, hence, the petitioner has grudge against the mother.

The law is well settled that the suspicion howsoever strong may be, it can not take the place of proof.

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Considering the facts and circumstances of the case ,aforesaid,
the petitioner is directed to be released on anticipatory bail in the event of his arrest or surrender before the Court below within one month of communication of this order, on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties of like amount each, to the satisfaction of the Court, subject to the conditions as laid down u/s. 438 (2) Cr. P.C., with further direction to the petitioner to co-operate with the trial/investigation, failing which the learned Court below shall be at liberty to cancel his bail bonds.

(Dictated)

Sd/- (B. Kumar)

Sessions Judge, Patna

Memo No.

Dated

Copy forwarded to : The A.C.J.M., Patna.

I/c., Registrar