

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23003 of 2016

Arising Out of PS.Case No. -858 Year- 2015 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Chander Bhagat S/o Late Ramdeo Bhagat
 2. Prabhu Bhagat S/o Chander Bhagat
 3. Sanjay Bhagat s/o Chander Bhagat
 4. Ramesh Bhagat @ Ramesh Kumar S/o Chander Bhagat All are R/o Village - Semra (Bhumihari Tola), P.S. - Turkaulia, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Yadav
For the Opposite Party/s : Mr. Rita Verma (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 14-07-2016 Heard learned counsel for the petitioners and learned
A.P.P. representing the State.

The petitioners seek bail in connection with Turkaulia
P.S. Case No. 858 of 2015 registered for the offence punishable
under Section 302/34 of the Indian Penal Code.

Allegedly, Santosh Bhagat who was married to
Nirmala Devi, the daughter of petitioner no. 1, was hanged to
death in the house of the petitioners. It is alleged that earlier
Nirmala Devi has committed suicide and for that the petitioner no.
1 has lodged a case under Sections 304-B, 201, 120(B) IPC and
after calling Santosh Bhagat to compromise the case, killed him.



Submission is of false implication and that the prosecution story appears not probable and reliable, there is no legal and tangible material against the petitioners, there is no eye witness of the occurrence, only on suspicion the petitioners have been implicated, the deceased committed suicide, chargesheet has already been submitted, postmortem report also suggests that the death was caused due to hanging. There is no chance of tampering with the prosecution evidence and, as such, the petitioners who are suffering in custody since 27.12.2015 deserve sympathetic consideration.

The learned APP opposes the prayer of bail by submitting that the dead body of the deceased was found hanging with a bamboo in the house of the petitioners.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, above named petitioners are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Motihari, East Champaran in connection with Turkaulia P.S. Case No. 858 of 2015 subject to the conditions that one of the bailors must be near relative and another having

sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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