IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10261 of 2016

Arising Out of PS.Case No. -15 Year- 2016 Thana -SAMASTIPUR MUFFASIL District- SAMASTIPUR

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Sanatan Bhagat, son of Rajesh Bhagat, resident of Village- Adharpur, P.S.- Mufassil, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.10714 of 2016

Arising Out of PS.Case No. -15 Year- 2016 Thana -SAMASTIPUR MUFFASIL District- SAMASTIPUR

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Sanjay Rai, S/o Surendra Rai of Village - Adharpur, Post- Adharpur, P.S. – Samastipur Muffasil, District - Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.12665 of 2016

Arising Out of PS.Case No. -15 Year- 2016 Thana -SAMASTIPUR MUFFASIL District- SAMASTIPUR

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Baliram Bhagat @ Bulbul Bhagat, son of Late Laxman Prasad Bhagat (but in the F.I.R. wrongly mentioned as son of Late Ram Prasad Bhagat), resident of Village-Adharpur, P.S.-Samastipur Mufassil, District-Samastipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :
(In Cr.Misc. No.10261 of 2016)
For the Petitioner : Mr. Ajay Thakur, Advocate
For the S t a t e : Mr. Umesh Lal Verma (APP)
For the Informant : Mr. Mrityunjay Kumar, Advocate
(In Cr.Misc. No.10714 of 2016)
For the Petitioner : Mr. Rathore Vasundhara, Advocate
For the S t a t e : Dr.Ajit Kumar(APP)
For the Informant : Mr. Mrityunjay Kumar, Advocate

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(In Cr.Misc. No.12665 of 2016)
For the Petitioner : Mr. Ajay Thakur, Advocate
For the S t a t e : Ms. Pushpa Sinha(APP)
For the Informant : Mr. Mrityunjay Kumar, Advocate
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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

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4 24-06-2016 Since these criminal miscellaneous applications arise out of the same police station case, they have been heard together and are being disposed of by this common order.

Heard learned counsel for the petitioners and the learned counsel for the informant as well as the learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Samastipur Muffasil P.S. Case No.15 of 2016 registered under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioners submits that though the informant is not an eye-witness to the present occurrence and has derived information from the statements of the villagers as well as one Chandeshwar Sah, Tea Stall Owner, which was the place of occurrence where the alleged occurrence took place, the petitioners are said to be having previous enmity with the deceased Chhanu Bhagat. So far as petitioner Sanatan Bhagat is concerned, it is stated by the informant that he is having a land dispute with the deceased, Petitioner Baliram Bhagat was having a political dispute with the Mukhiya Channu

Bhagat whereas petitioner Sanjay Rai is said to have unseated the Mukhiya Chhanu Bhagat and replaced him on the post of Mukhiya.

It is submitted by the informant that these are the reasons for which the petitioners of the present cases had entered into a conspiracy and after collecting money from the villagers and other persons, who were inimical to the deceased, organized the crime by hiring shooter to do away with said Chhanu Bhagat.

Case diary in the present case was called for, which has since been received.

Learned counsel appearing on behalf of the State after careful perusal of the case diary submits that admittedly, the informant is not an eye-witness and the entire event, as narrated by the informant, is on the basis of the statements made by Tea Stall Owner Chandeshwar Sah and also one Biro Bhagat, who are said to be present at the place of occurrence at the time of commission of the crime.

From a perusal of the statements made by aforesaid two persons it is also not clear as to whether the three petitioners were present at the place of occurrence at the time of occurrence.They have also stated that some unknown miscreants had come on motorcycles and had committed the crime, but they

were not recognized by the said two persons.

It appears from perusal of the entire case diary, submissions of the informant as well as the statement made by the learned counsel for the petitioners that the entire allegation is based on mere suspicion, the cause being that of previous enmity on one count or the other.

Taking into consideration the fact that the petitioners Sanjay Rai and Bali Ram Bhagat have no criminal antecedents whereas petitioner Sanatan Bhagat has one more case against him, let all the three petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of ₹10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Samastipur, in connection with Samastipur Muffasil P.S. Case No.15 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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