

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44540 of 2015

Arising Out of PS.Case No. -79 Year- 2015 Thana -BASANTPUR District- SIWAN

1. Rajballam Bhagat Son of Late Sitaram Bhagat Resident of Village - Takri Tole, Madhopur, P.s.- Basantpur, District - Siwan  
2. Sunil Bhagat Son of Rajballam Bhagat Resident of Village - Lakri Tole, Madhopur, P.S.- Basantpur, District - Siwan  
3. Dhaneshwar Bhagat Son of Late Sitaram Bhagat Resident of Village - Lakri Tole, Madhopur, P.S.- Basantpur, District - Siwan

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajeet Singh  
For the Opposite Party/s : Mr. S.K.Pandey(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL  
ORAL ORDER

3 17-02-2016 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Maharajganj (Basantpur) P.S. 79 of 2015 registered for offences punishable under Sections 302/34 of the I.P.C. The petitioner Nos. 1 and 3 are full brothers and petitioner No. 2 is own nephew of the deceased.

The prosecution case is that the wife of the deceased had gone for a marriage ceremony of her niece in another village on 17.05.2015. On 18.05.2015 at 7.30 A.M., she got a phone call from Gautam Bhagat of her village that there is some altercation at

her house and was told to come soon. When the informant reached her village along with her sister and other relatives, she found that the dead body of her husband Nagenswhar Bhagat had been lying near Bathan with throat slain.

It has been alleged that there is long standing land dispute and proceeding under Section 145 Cr. P. C had been initiated and all brothers were given equal share for which other brothers objected, hence, the occurrence took place.

It has been submitted by the learned counsel for the petitioners that there is no eye witness to the occurrence because of the land dispute, the petitioners have been dragged in the aforesaid case.

On the other hand, learned A.P.P. draws my attention to paras 7, 8, 22, 23 and 32 of the case diary, where the witnesses have supported allegations stating therein that there was land dispute between the petitioners and the deceased.

However, learned counsel for the petitioners points out that the petitioners are own brothers and nephew of the deceased and the witnesses in the aforesaid paras are also close relatives and there is no eye witnesses, hence the petitioners deserve the privilege of anticipatory bail.

Having perused the aforesaid paragraphs of the

case diary, the witnesses, who have supported the alleged occurrence, are not eye witness but they are close relatives of the deceased.

Be that as it may, let the above named petitioners in the event of their arrest or surrender before the Court below within a period of eight weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Basantpur P.S.Case No. 79/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P. C.

**(Nilu Agrawal, J)**

Sudha/-

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