

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26034 of 2017

Arising Out of PS.Case No. -31 Year- 2017 Thana -MINAPUR District- MUZAFFARPUR

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1. Brahamdeo Bhagat Son of Shri Parmeshwar Bhagat, resident of Village-Darahipatti, P.S.-Meenapur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar

For the Opposite Party/s : Mrs. Dr. Indihar Kumari

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 24-07-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 21.02.2017
in connection with Meenapur P.S. Case No. 31/17 for offences
punishable under Sections 302/34 of the Indian Penal Code,
although charge-sheet has been submitted under Section
306/34 of the I.P.C.

The prosecution case, as lodged by the informant, is
that her husband went to his aunt (mausi) Sarda Devi's place,
who thereafter called her that her husband was seriously ill and
was loaded on a *thela* by the petitioner and co-accused Sharda
Devi. The deceased was brought to the informant's parental



house where her husband died.

It has been submitted by the learned counsel for the petitioner that he is innocent, there is allegation of property dispute between the co-accused Sharda Devi and the informant's husband and the petitioner had no concern with the aforesaid property dispute. He submits that he is a vegetable vendor and has brought his *thela* to take the informant's husband for treatment and some of the witnesses have not supported the prosecution case. It is submitted that he bears no criminal antecedent and that charge-sheet has already been submitted under Section 306/34 IPC, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State submits that the husband of the informant died due to Asphyxia by hanging and the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, let petitioner, above named, be enlarged 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, Muzaffarpur, in connection with Meenapur P.S. Case No. 31/2017, subject to the condition that the petitioner will appear before the



learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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