

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25826 of 2017

Arising Out of PS.Case No. -533 Year- 1998 Thana -SAHARSA COMPLAINT CASE District-
SAHARSA

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1. Bana Bhagat
2. Kailash Bhagat, both are son of Babuan Bhagat, R/o Village-Simri
Bakhtiarpur, P.S.- Bakhtiarpur, District- Patna

.... Petitioner/s

Versus

1. State of Bihar
2. Smt. Kala Devi, W/o Shri Harijagat, R/o Village- Chipa (Nandlal)
P.S.- Bihra, District- Saharsa.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand
For the Opposite Party/s : Mr. Sri Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 13-06-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The instant petition has been filed for grant of regular
bail in connection with Saharsa P.S. Case No. 79 of 1992
registered for the offence under Section 364/34 of the India Penal
Code.

The allegation leveled against the petitioner in the
written information of the informant, addressed to the S.P. Saharsa
dated 15.02.2015, is that the marriage of her daughter Smt.
Siromanti Devi has been solemnized with Ram Bilash Bhagat
about 10 to 11 years before the filing of the case, whereafter the
husband and wife were leading conjugal life and they were blessed



with two children.

However, subsequently the said Siromanti Devi is alleged to have been kidnapped and murdered by the accused persons.

It appears from the record that the police has submitted the final form, however, upon protest petition being filed. The learned Court below took cognizance by an order dated 17.12.2011 for the offence punishable under Sections 147,498A, 304B and 201 of the IPC.

The learned senior counsel for the petitioners has submitted that the husband of the informant and other co-accused persons have been granted anticipatory bail by this court by order dated 03.03.2014 passed in Cr. Misc. Case No. 48872 of 2013. He submits that so far as the present petitioners are concerned, they are on better footing in comparison to the aforesaid accused persons, who have been granted anticipatory bail and the same is also recorded in the order dated 09.04.2014 passed by this Cr. Misc. 37514 of 2014 wherein it has been further observed by this Hon'ble Court that the Trial Court would consider the prayer of the petitioners for grant of bail. In view of the position that the main accused person has been granted bail by a Bench of this Hon'ble Court, the petitioners are also entitled to the privilege of



regular bail.

It is also submitted that the petitioners are in custody since 27.02.2017 and they have clean antecedent.

Having regard to the facts and circumstances of the case, I am of the view that the petitioners deserve grant of regular bail.

Accordingly, the above named petitioners are directed to be released on bail on furnishing bail bond of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Saharsa in connection with Saharsa P.S. Case No. 79 of 1992.

(Mohit Kumar Shah, J)

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