

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61911 of 2017

Arising Out of PS. Case No.-160 Year-2013 Thana- NAUTAN District- Siwan

Subash Bhagat @ Subash Chandra Singh, S/o Motilal Bhagat @ Motilal Singh, R/o Village- Khap Bankat, P.S.- Nautan, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Adv.

Mr. Animesh Kumar, Adv.

For the Opposite Party/s : Mr. Yogendra Kr. Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-12-2017 Heard learned Counsels for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case as per the Fardbeyan of the informant, Arun Kumar Mishra @ Tuntun, is to the effect that Basudev Narayan Mishra, the father of the informant went to Siwan on T.V.S. Moped on 11.10.2013 at about 10.00 AM in connection with the work of Khalwa Math and at about 5.00 PM, the informant received information that his father has been shot dead near Rahimpur village. On receiving such information, the informant along with his family members went



to Sadar Hospital, Siwan and found his father dead, having sustained a gun-shot injury on his forehead and neck. The informant raised suspicion against Lallan Bhagat, Subhash Bhagat, Upendra Bhagat and Akhilesh Kushwaha, since earlier also all the accused persons had attempted to murder his father, but somehow he was saved. It is also alleged that Rupees Thirty Seven Lacs was due against co-accused, Motilal Bhagat, which was the Ashram money and same amount was demanded by the father of the informant for construction of the temple, but co-accused Motilal Bhagat and other accused persons were not willing to give that money and hence, they have killed his father.

It is submitted by learned counsel for the petitioner that on conclusion of investigation, the petitioner was not sent up for trial, however, two persons were chargesheeted and the final form was accepted, but in pursuance to the revisional order, the learned Magistrate took cognizance against the petitioners also on 29.03.2016. It is further submitted that the chargesheeted accused, Upendra Bhagat and Akhilesh Kushwaha have been granted bail by a co-ordinate Bench of this Court vide Criminal Miscellaneous No. 7438 of 2014, as contained in Annexure-3. A statement has been made in



paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP appearing on behalf of the State submits that differing with the final form, cognizance has been taken against the petitioner also.

Considering the fact that the accusation was not found true against the petitioner on conclusion of investigation, moreover, co-accused have been granted bail, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Siwan, in connection with Nautan P.S. Case No.160 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

