

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56066 of 2018

Arising Out of PS. Case No.-12 Year-2015 Thana- DEWARIA District- Muzaffarpur

Ramdeo Bhagat, Son of Shiv Nandan Bhagat, resident of Village-
Muhabbatpur, P.S. Dewaria, District- Muzaffarpur ... Petitioner
Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Arun Kumar, Adv.
For the Opposite Party : Mr. Sunil Kumar Pandey, APP 141

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 03-10-2018 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner had earlier moved twice for bail which was rejected on 19.08.2015 in Cr. Misc. No. 33647 of 2015 and on 27.01.2016 in Cr. Misc. No. 3800 of 2016. The petitioner is languishing in judicial custody since 26.02.2015 in connection with Deoriya P.S. Case No. 12 of 2015 for the offences alleged under Sections 147, 148, 149, 302 and 120(B) of the Indian Penal Code, 27 of the Arms Act and 10, 13, 16(B), 18, 19 and 20 of the UAPA Act.

This is the third round of litigation.

The prosecution case, as lodged by the informant, is that while her husband was at his shop along with eleven year old son, Bibhat @ Guruji, on hearing the sound of firing she came and saw six persons brandishing fire arms. However, the



petitioner is not identified by the informant. Later on the eleven year old son came and disclosed that because of land dispute the petitioner along with other co-accused have killed the informant's husband and fled away raising slogans in favour of Maoist. The cause of dispute was relating to land property.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has falsely been implicated in the aforesaid case. He submits that the wife had not named the petitioner, but, the eleven year old son had taken the name of the petitioner, which is an after-thought. He, further, submits that although the petitioner is in judicial custody since three and half years, but, trial has not made much headway as only charges have been framed.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

In this regard, a report was called for from the learned Sessions Judge-cum-Special Judge, Muzaffarpur, who by Letter No. 4233/2018, dated 24.09.2018, has stated that at present the case is fixed for evidence.

Considering the facts and circumstances and the materials on record as well as the period of custody and the trial has not much headway although the petitioner is languishing in



judicial custody since more than three and half years, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Deoriya P.S. Case No. 12 of 2015 to the satisfaction of the learned learned Sessions Judge-cum-Special Judge, Muzaffarpur, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) 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)

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