

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.110 of 2018

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

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1. Motilal Bhagat, Son of Late Shivpati Bhagat, Resident of Village- Khap
Bankat, P.S.- Nautan, District- Siwan Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. K.N. Chaubey, Sr. Adv. with
Mr. Dineshwar Pandey, Adv.

For the Opposite Party : Mr. Mustaque Alam, APP 36

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 12-02-2018 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner seeks anticipatory bail in connection
with Nautan P.S. Case No. 160 of 2013 for the offences under
Sections 302/34 of the Indian Penal Code and 27 of the Arms Act.

The allegation in the present case is that one Basudeo
Mishra, father of the informant, had gone to Siwan on his moped
on 11.10.2017 at about 10.00 A.M. in connection with works of
Khalwa Math and the informant received information in the
evening that his father has been shot dead near village Rahimpur.
Thereafter the prosecution side had gone to the place of
occurrence and found his father was lying dead and there was gun
shot injury on his fore-head and neck. It has been also alleged that
the accused persons, including the petitioner herein, had killed the
father of the informant on account of the fact that the father of the
informant was pursuing the petitioner herein to return a sum of
Rs.37/- lakh.



Learned senior counsel appearing on behalf of the petitioner submits that the Math is not so big that such a huge sum of money would be due or outstanding and he has further submitted that as far as the petitioner herein is concerned, the police had submitted the final form finding the case to be untrue as against the petitioner herein and some other co-accused persons. It is further submitted that similarly situated co-accused persons have already been granted bail by this Court by an order, dated 22.12.2017, passed in Cr. Misc. No. 61911 of 2017.

Having considered the facts and circumstances of the case, the petitioner, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with **Nautan P.S. Case No. 160 of 2013** to the satisfaction of the **Chief Judicial Magistrate, Siwan,** or successor Court, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Mohit Kumar Shah, J)

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