

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.15391 of 2019**

Arising Out of PS. Case No.-1044 Year-2018 Thana- SAHARSA District- Saharsa

ARBIND KUMAR BHAGAT @ ARBIND KUMAR Son of Umesh Bhagat  
@ Umesh Prasad Bhagat Resident of Village - Saptiyahi, at present resident  
of Kuwar Tola Gangjala, Ward No.18, P.S.- Saharsa, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Viveka Nandsingh  
For the Opposite Party/s : Mr.Zainul Abedin

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH  
ORAL ORDER**

2      14-03-2019                      Heard learned counsels for the parties.

The petitioner is languishing in custody since 18.9.2018 in a case registered for the offence punishable under Sections 302/34 of the I.P.C.

The prosecution case as per the Fardbeyan of Sonu Kumar recorded by ASI of Saharsa Sadar Police Station on 17.9.2018 at 6.45 P.M. to the SHO, Saharsa Police Station is to the effect that on the same day at 5.00 P.M., the informant was in his shop, in the meantime the father of the informant namely Arbind Kumar Pandit came into his shop and saw that neighbouring shopkeeper Umesh Bhagat is putting garbage near the shop of the informant.



On protest being made, all the accused persons including the petitioner started abusing the informant. Thereafter, co-accused Umesh Bhagat and his wife Anita Devi instigated their two sons to kill the father of the informant, whereupon, co-accused Bipin Kumar Bhagat armed with iron rod and the petitioner armed with iron khanti came and assaulted the father of the informant, as a result, he got unconscious. The father of the informant was taken to hospital, where the doctors declared him dead.

It is submitted by learned counsel for the petitioner that the accusation of assault against the petitioner and co-accused Bipin Kumar Bhagat is omnibus and general.

Learned APP submits that there is specific accusation of assault against the petitioner.

Considering the fact that the accusation of assault has been levelled against two persons whereas the postmortem report suggests that the deceased received only one injury and the period under custody, coupled with the fact that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail 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, Saharsa in connection with Saharsa Sadar P.S. Case No.1044 of 2018.

**(Dinesh Kumar Singh, J)**

anil/-

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