

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17040 of 2019

Arising Out of PS. Case No.-436 Year-2018 Thana- SARAIYA District- Muzaffarpur

RAJ KUMAR BHAGAT @ RAJ KUMAR BHAKAT Son of Late
Bishwanath Bhagat, Resident of Village-Bisarpatti, P.S-Saraiya, District-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bela Singh

For the Opposite Party/s : Mr.Anant Kumar I

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the
offences under Sections 302, 120B/34 of the Indian Penal Code
and 27 of the Arms Act.

The prosecution allegation in short is that the accused
persons assaulted and fired at her husband of the informant due
to which he died.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 24.9.2018 and has got no
criminal antecedent. There is no allegation of tampering of
witnesses alleged against the petitioner. Charge-sheet has been
submitted in the present case. The petitioner has falsely been
implicated in the present case. As per the F.I.R., allegation of



firing upon the deceased has been made against the petitioner and other co-accused namely Sanjay Bhagat. The informant is not an eye witness. Her re-statement has been recorded in paragraph 7 of the case diary where she has not named the petitioner as one of the person who made firing. Specific allegation is made against co-accused Sanjay Bhagat who is said to have fired upon the deceased. The post-mortem report also shows single fire arms injury with wound of entry and exit.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, West, Muzaffarpur in connection with Saraiya P.S. Case No. 436/18, G.R. No. 3307/2018.

(Sudhir Singh, J)

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