

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22238 of 2019**

Arising Out of PS. Case No.-290 Year-2018 Thana- HUSSAINGANJ District- Siwan

Rahul Kumar Bhagat @ Rahul Kumar (Male, aged about 23 years) Son of Ratan Kumar Bhagat, Resident of Village-Markan, P.S-Hussainganj, District-Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ranjan Kumar Dubey, Advocate
For the Opposite Party : APP

**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER**

3 19-07-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 302 and 201/34 of the Indian Penal Code registered in connection with Hussainganj P.S. Case No. 290 of 2018.

3. It is submitted that the petitioner has been falsely implicated merely because he happens to be the Gotia of the husband of the deceased. The petitioner is not named in the FIR and except suspicion, there is no objective material to connect him with the alleged occurrence. The petitioner is living separately from the husband of the deceased and has no concern with day-to-day affairs of the deceased and her husband. Similarly situated co-accused Pradeep Kumar Bhagat @ Pradeep Bhagat has been granted anticipatory bail by a coordinate Bench of this Court vide order dated 25.04.2019 passed in Cr. Misc. No. 9850 of 2019. The petitioner claims clean antecedents.

4. Learned APP opposes the anticipatory bail petition. It is submitted that in the statements of the two witnesses, petitioner along with aforesaid co-accused Pradeep Kumar Bhagat @ Pradeep Bhagat



and two other persons have been named.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Hussainganj P.S. Case No. 290 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

BT/-

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

