

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40481 of 2019

Arising Out of PS. Case No.-264 Year-2018 Thana- BHAGWANPUR District- Begusarai

HARDEV MALAKAR Son of Banarasi Malakar Resident of Village-
Raghunandanpur, ward No.10, P.S.- Bhagwanpur (Tiyay), District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

6 03-12-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner apprehends his arrest in a case registered
under Sections 304, 34 of the Indian Penal Code.

Informant in his written report has alleged that his
nephew Raja Babu had gone to the residence of Hardev Malakar
(petitioner) to demand his due amount but all FIR named
accused including petitioner started abusing him and they also
threatened him to go away from there otherwise they will kill
him. Thereafter all the accused persons pushed him, as a result
Raja Babu died on the spot. He further alleged that the dispute
of money was going on since last two years.

It has been submitted on behalf of the petitioner
that he is innocent and has been falsely implicated in this case.



There is general and omnibus allegation against all the FIR named accused and no specific overt act is alleged against the petitioner. Independent witnesses have not supported the allegation made against petitioner. It has been further submitted that other similarly placed co-accused, namely Kamal Devi, Rinki Devi and Gunjan Malakar have been granted anticipatory bail by the learned court below itself. Petitioner has no criminal antecedent.

Considering the facts and circumstances of the case, prayer of anticipatory bail is allowed and petitioner named above in the event of arrest or surrender before the court below within four weeks from today, Petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned court below, in connection with Bhagwanpur P.S. Case No. 264 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(S. Kumar, J)

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