

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr. Misc. No. 19647 of 2020

1. Paras Bhagat @ Paras Singh, son of Late Mahendra Bhagat.
 2. Lalbabu Bhagat @ Lalbabu Singh, son of Paras Bhagat @ Paras Singh
 both R/o Village-Pawar Bataraha, P.S.-Phulwariya, District-Gopalganj.
 Petitioner

Versus

The State of Bihar

.. ... Opposite Party

Appearance :

For the Petitioner : Mr. Ranjeet Kumar Pandey, Advocate

For the Respondent State: Mrs. Reena Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4. 28-08-2020 Heard Mr. Ranjeet Kumar Pandey, learned counsel appearing on behalf of the petitioner and Mrs. Reena Sinha, learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of regular bail arises out of Bhore P.S. Case No. 127 of 2017, registered for the offence punishable under Sections 302/201 of the Indian Penal Code.

I have perused the case diary. The F.I.R. has been registered on the basis of *fard-beyan* of the village chowkidar to the effect that an unidentified dead body was lying in the field adjacent to a road. When he reached the said place, where the dead body was lying, thousands of people assembled, but neither of them could identify the dead body. The inquest report was thereafter prepared. With the allegation that the victim was killed by unknown miscreants, the F.I.R. was registered. It further transpires that the dead body of the victim was kept for



identification and when the body could not be identified, it was cremated after four days in the presence of the Circle Officer, Bhore, on 14.05.2017.

The petitioners have been implicated on the basis of a written report submitted by the wife of the victim to the police on 18.05.2017, mentioning therein that she learnt subsequently about recovery of an unidentified dead body of a person and when she enquired at the police station, the apparel of the victim was shown to her. She identified the apparel and disclosed that her husband had gone with the petitioners on 08.05.2017 on their request and on assurance that they will be running a business and the victim would be getting due wages. Thereafter, he did not return and despite best efforts, the wife of the victim could not locate and know the whereabouts of the victim. She learnt only on 17.05.2017 on the basis of a newspaper report regarding recovery of the unidentified dead body, whereafter, she approached the police station.

Learned counsel for the petitioners has submitted that even if what has been alleged in the written report of the victim's wife is considered to be correct, at the maximum, it can be said to be a case of the victim last seen with the petitioners. He has further submitted that implication of these petitioners is malicious and for ulterior motive in view of the facts which



have emerged in course of investigation. He has argued that there is absolutely no material against the petitioners in course of investigation to justify and support the allegation of the involvement of the petitioners.

On a careful perusal of the case diary, I find substance in submission made on behalf of the petitioners. If the case of the prosecution, as disclosed by the victim's wife, is to be considered in the background of the fact that according to her own case, her husband was missing since 08.05.2017, she did not report the disappearance of her husband to the police. There is no material to show that the victim's wife ever disclosed about disappearance of her husband to any independent witness.

Considering the facts and circumstances of the case, as noted above, in my opinion, case for grant of regular bail is made out.

This application is accordingly allowed.

Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gopalganj, in Bhore P.S. Case No. 127 of 2017.

It is indicated that defect, if any, shall be removed within two months.



Since there is a lock down, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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