

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1055 of 2020

Arising Out of PS. Case No.-68 Year-2019 Thana- NALANDA District- Nalanda

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BHAGIRATH RAUT @ GENDA, aged about 58 years (M), Son of Late Kapil Raut, Resident of Village- Mehendi Nagar, P.S.- Nalanda, Distt-Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Kumar Manglam, Advocate.
For the Opposite Party : Mr.Md. Aslam Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 18-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 302/34 of the IPC.

The prosecution story, in brief, is that on 16.05.2019 at about 10.30 A.M. the informant’s brother, namely, Sikandar Kumar @ Bauajee was called and taken away by Bhagirath Raut @ Gera (petitioner) and co-accused Ganpat Raut and Golden Raut. After one hour, when he went to see his Maize



field on the road he saw that co-accused Vikky Raut and Mukesh Raut sitting in both side of his brother catching him on E-rickshaw and when he tried to stop the E-rickshaw, the accused persons jumped down from the E-rickshaw and started fleeing away and his brother fell down on the ground. On hulla raised by him, some persons of village Pathla Ghat came and took his brother to *Mausam Hospital* where the doctor has declared him dead. The motive behind the occurrence is that at the time of marriage of daughter of Bhagirath Raut (petitioner), he took Rs. 2,00,000/- from his brother and after marriage, his brother used to demand the money due to which there was exchange of hot words between them and the accused persons gave a threatening of dire-consequence.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. The petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. As per F.I.R., it is a case of last seen. Except for this, there is no substantive evidence to suggest the implication of the petitioner in the present case. There is no eye witness to the alleged occurrence.

On behalf of the State, it is submitted that the



petitioner is named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned C.J.M., Nalanda at Biharsharif, in connection with Nalanda P.S. Case No. 68 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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