

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10506 of 2020

Arising Out of PS. Case No.-626 Year-2019 Thana- KANTI THARMAL POWER District-
Muzaffarpur

RAM EKBAL BHAGAT, aged about 61 years, Gender-Male, S/o Kerai
Bhagat, R/o village- Sarmaipur, P.S.- Kanti, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Manish Kumar, Advocate.

For the Opposite Party : Mr.Syed Mojibur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-02-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 147, 148, 149 and 302 of
the I.P.C.

The prosecution story, in brief, is that there had been a
land dispute between the father (deceased) of the informant,
namely, Ram Kumar Bhagat and his uncle Ram Ekbal Bhagat
(petitioner) for last twenty years on which the decision of the
Hon'ble Court came in favour of his father about 5-10 years
ago, since then the accused persons, namely, Ram Ekbal Bhagat
(petitioner), Sharda Devi, Hari Mohan Kumar, Brijmohan
Kumar Bhagat, Santosh Kumar, Bambam Kumar, Rajnish



Kumar, Prakash Kumar and Prabhat Kumar with 12-14 unknown persons used to threaten his father. It is further alleged that in the night of 20/21.08.2019, the accused persons by hatching conspiracy killed his father by fire arms.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. Altogether nine persons are named in the F.I.R. alongwith 12-14 unknown persons. General and omnibus allegation has been made against the petitioner. All the accused persons opened fire upon the deceased. From perusal of the F.I.R., it appears that there is only one wound of entry and one wound of exit caused by firearm was found on the body of the deceased. The postmortem report does not corroborate the allegation made in the F.I.R. The alleged occurrence is said to have taken place at 12.00-1.00 P.M. in the night. There is no source of identification. Except for suspicion, there is no other substantive evidence to suggest the implication of the petitioner in the present case.

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



Considering the aforesaid facts and circumstances of the case, 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 furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M.(West), Muzaffarpur, in connection with Kanti P.S. Case No. 626 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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