

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29616 of 2021

Arising Out of PS. Case No.-133 Year-2020 Thana- GANGABRIDGE District- Vaishali

1. Awadhesh Bhagat, Gender-Male, aged about 28 years, S/O Deepan Bhagat, R/O Village-Terasiya, P.S-Ganga Bridge, District-Vaishali.
2. Baban Bhagat, Gender-Male, aged about 44 years, S/O Chenari Bhagat, R/O Village-Terasiya, P.S-Ganga Bridge, District-Vaishali.
3. Gauri Bhagat, Gender-Male, aged about 40 years, S/O Laldeo Bhagat, R/O Village-Terasiya, P.S-Ganga Bridge, District-Vaishali.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Alok Kumar Alok, Advocate.
For the Opposite Party : Mr. Narsingh Tanti, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-07-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application filed on behalf of petitioner no. 2, namely, Baban Bhagat, as he has been taken into judicial custody in connection with Ganga Bridge P.S. Case No. 133/20, pending in the court of learned C.J.M. Vaishali at Hajipur.

Permission is accorded.

Accordingly, the present anticipatory bail application



filed on behalf of petitioner no. 2, namely, Baban Bhagat, is dismissed as withdrawn.

Heard learned counsel for the petitioner nos. 1 and 3 and learned A.P.P. for the State through Virtual mode.

Now, the petitioner nos. 1 and 3 are apprehending their arrest in a case for the offence registered under Sections 302 and 201/34 of the I.P.C.

The prosecution story, in brief, is that on 10.12.2020 at about 18.00 O'clock, the informant's younger brother, Pappu Kumar, was taking evening breakfast and after that he went outside the house for talking with someone over his Mobile Phone bearing Mobile No. 9262204210. The informant also came outside the house and saw that all the accused persons named in the F.I.R. alongwith 3-4 other unknown persons called Pappu Kumar and took him with them. When Pappu Kumar did not return home till late night, he started searching his brother but of no use. Thereafter, he went to the house of Awadesh Bhagat (petitioner no. 1), co-accused Baban Bhagat, Gauri Bhagat (petitioner no. 3) and co-accused Harendra Das and enquired from them about his brother but they began to deviate the matter and did not give any satisfactory reply in this regard. Later on, he came to know by the villagers that a dead body has



been thrown inside the well near the house of Pankaj Kumar. He alongwith other family members reached there. When the villagers draw out the dead body from the well, informant found that the dead body was of his younger brother Pappu Kumar. Both legs and neck were tied with a single rope and the dead body had been swollen due to elapse of time inside water. Thereafter, the above named accused persons fled away from there. He claims that the accused persons named in the F.I.R. alongwith 3-4 other accused persons have killed Pappu Kumar by pressing his neck by means of a rope and thrown the dead body after tiding it in a plastic bag inside a well.

It has been submitted by learned counsel for the petitioner nos. 1 and 3 that they have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against them. It is a case of last seen. Except for this, there is no other substantive evidence to suggest their implication in the present case. There is no eye witness to the alleged occurrence.

On behalf of the learned counsel for the State, it has been submitted that the petitioner nos. 1 and 3 are named in the F.I.R.

Considering the aforesaid facts and circumstances of



the case, let the petitioner nos. 1 and 3 above named (except petitioner no. 2, Baban Bhagat), in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned C.J.M. Vaishali at Hajipur, in connection with Ganga Bridge P.S. Case No. 133/20, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner nos. 1 and 3 shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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