

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37735 of 2021

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

Baban Bhagat, S/O Chenari Bhagat @ Chanarik Bhagat R/O Village-Terasiya,
P.S-Ganga Bridge, District-Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Alok Kumar Alok
For the Opposite Party/s :	Ms. Veena Rani Prasad
	Mr. Ranjeet Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-12-2021 Heard the learned Advocate for the petitioner, the

learned counsel for the informant and the learned APP for the

State.

The petitioner seeks bail in connection with Ganga
Bridge P. S. Case No.133 of 2020, instituted for the offences
under Sections 302, 201, 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 27.03.2021, he is a person with
clean antecedent and charge-sheet has been submitted in this
case.

The learned counsel for the petitioner further submits
that from perusal of the allegation as alleged in the F.I.R., it
would manifest that the informant alleges that his younger



brother, Pappu Kumar was having the evening breakfast and after that he went outside the house for talking with someone over his mobile phone. The informant also came outside the house and saw that the named accused persons along with 3-4 other unknown persons, who called Pappu Kumar and took him with themselves.

It is next alleged that when Pappu Kumar did not return home till late night, the informant started searching his brother and thereafter, he went to the house of the accused persons to enquire from them about his brother, but they evaded the matter and did not give any satisfactory reply.

It is further alleged that the informant came to know by villagers that a dead body was thrown in the well near the house of Pankaj Kumar. Accordingly, they went to the place of occurrence and saw the dead body of Pappu Kumar, whose legs and neck were tied with a single rope and the dead body had swollen due to elapse of time inside water. Accordingly, the F.I.R. was instituted against the named accused persons.

The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant was known to the accused persons and as such, no prudent man who intends to commit an



occurrence would have gone to the house of the informant and got himself identified and thereafter, would have committed the occurrence of this nature. The learned counsel for the petitioner further submits that the fact that the deceased went along with accused persons as alleged in the F.I.R. on his own volition that in itself shows that he had no apprehension of any kind of danger against them.

The learned counsel for the petitioner further submits that if the informant was having any kind of apprehension that the accused persons may kill his brother then he would not have allowed his brother to accompany them or would have also gone with the accused persons along with his brother. The learned counsel further submits that at best it is a case of last seen, but there is no eye witness to the occurrence. The learned counsel further submits that co-accused Awadhesh Bhagat, Baban Bhagat and Gauri Bhagat have been granted anticipatory bail by order dated 01.07.2021 in Cr. Misc. No.29616 of 2021.

The learned counsel for the informant as well as learned A.P.P. for the State opposes the bail application and submits that it were these accused persons, who had called the brother of the informant and thereafter committed the occurrence, but is not able to meet the submission of the learned



counsel for the petitioner that had the accused persons any intention to kill the deceased, they would not have got themselves identified by the informant by calling his brother.

Considering the fact that the petitioner is in custody since 27.03.2021, he is a person with clean antecedent, charge-sheet has been submitted in this case and co-accused have been granted anticipatory bail, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur in connection with Ganga Bridge P. S. Case No.133 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

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