

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31943 of 2020

Arising Out of PS. Case No.-56 Year-2020 Thana- RAJAPAKAR District- Vaishali

Shiv Dayal Bhagat, Son of Shri Ashok Bhagat, Resident of Village- Ahiai,
P.S.- Rajapakar, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 28-10-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Rajapakar P.S. Case No.56 of 2020 initially registered for the offence under Section 363, 365 of the Indian Penal Code, but subsequently Sections 302, 201/34 of the Indian Penal Code has been added.

While the informant was away, it is alleged that her younger son has gone missing. On enquiry, subsequently dead body of her son has been recovered.

Counsel for the petitioner submits that the parties are agnates. The petitioner is not named in the F.I.R. His name has surfaced on the confessional statement of co-accused only on suspicion. The implication is based on long subsisting family



dispute. The implication is false as the petitioner and the prosecution party have all along been residing in the same house and such allegations are highly improbable in these circumstances. Having no criminal antecedents, the petitioner is in custody since 29.04.2020. Four co-accused, with more or less similar allegations to that of the petitioner, have been allowed bail in Cr.Misc. No.29091 of 2020, vide order dated 10.02.2021.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned I/C C.J.M., Vaishali, in connection with Rajapakar P.S. Case No.56 of 2020, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is



related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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