

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 32197 of 2020

Arising Out of PS Case No.-161 Year-2015 Thana- VAISHALI District- Vaishali

Deosaran Bhagat, aged about 45 years (male) Son of Late Jay Kishan Bhagat,
Resident of Village-Chakiya Jagdishpur, PS-Paru, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Kant Singh, Advocate
For the State	:	Ms. Veena Rani Prasad, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 04-01-2021

Heard Mr. Krishna Kant Singh, learned counsel for the petitioner and Ms. Veena Rani Prasad, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Vaishali (Belsar OP) PS Case No. 161 of 2015 dated 26.05.2015, instituted under Sections 302/34 of the Indian Penal Code.

3. The allegation against the petitioner is that he had strangled the husband of the informant killing him and had dumped the body at the house of the informant.

4. Learned counsel for the petitioner submitted that the story in the FIR is self-contradictory, as in the beginning it is stated that the husband was taken for performing some work but



later on it is stated that he had been taken on the pretext of paying his arrears, but in order not to pay, he was killed by the petitioner. It was submitted that the story is also unbelievable, for the reason that if at all the petitioner was involved in the killing, he would not have brought the body back to the house of the informant and identified himself as the culprit. Learned counsel submitted that the petitioner is a petty contractor and that the husband of the informant committed suicide due to financial stress on account of lock-down and having no criminal antecedent is in custody since 02.05.2020. Learned counsel further submitted that there is no other eye witness to the occurrence.

5. Learned APP submitted that witnesses have supported the prosecution case. However, he did not controvert that there is no other eye witness, except for the informant.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali in Vaishali PS Case No. 161 of 2015, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall



execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

7. However, this order is subject to the main application supported by affidavit being *e* filed in this Court by learned counsel for the petitioner latest by day after tomorrow.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

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