

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6411 of 2021

Arising Out of PS. Case No.-261 Year-2018 Thana- BANIAPUR District- Saran

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MUNNA BHAGAT SON OF TARKESHWAR BHAGAT R/O VILLAGE-
JAHAGIRPUR, P.S.- BANIYAPUR, DISTRICT- SARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh

For the Opposite Party/s : Mr. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 01-10-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 302/34 of the Indian Penal Code.

As per the prosecution case, on 13.08.2018 at about 7.30 PM, this petitioner along with co-accused Tarkeshwar Bhagat came to the house of informant and started quarreling with informant's husband and on protest, both accused persons started assaulting informant's husband with shovel, as a result of which, he died on the spot.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. It is submitted that there is no specific allegation against this petitioner that he has given the fatal blow on the face of the



deceased and as per post mortem report, the deceased died due to injury caused on the face of the deceased. It is further submitted that the trial has commenced and during trial, five witnesses, including informant, Rinki Devi (PW 1), have already been examined, who have not supported the prosecution case, the deposition of PW 1 to PW 5 has been annexed as Annexure-2 to the bail petition. Similarly situated accused Tarkeshwar Bhagat has already been granted bail by this court vide order dated 22.06.2021 passed in Cr. Misc. No. 6353/ 2021. Petitioner is in custody since 22.11.2018 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, 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 Additional Chief Judicial Magistrate-XI, Saran at Chapra in connection with Baniyapur PS case No. 261/2018 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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