

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4962 of 2022

Arising Out of PS. Case No.-549 Year-2019 Thana- KUDHNI District- Muzaffarpur

Ram Pravesh Bhagat, S/o Laxmi Bhagat R/o village- Moahnpur, P.S.-
Kurhani, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar, Advocate

For the Opposite Party/s : Mrs.Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 30-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Kurhani P.S. Case No. 549 of 2019 registered
for the alleged offences under Sections 302, 328, 341, 323 and
504/34 of the Indian Penal Code.

As per prosecution case, the sister of the informant
was married with the brother of the petitioner. Allegation against
the petitioner is that he along with his wife and father used to
torture the sister of the informant. This petitioner was given Rs.
3,00,000/- at the time of marriage of the sister of the informant
and when husband of the sister of the informant demanded the
said money from his father and brother, they gave him poison



which caused his death.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The prosecution story is not believable that the father, brother and sister-in-law of the deceased husband of the sister of the informant gave him poison. The FIR has been lodged after delay of twelve days as for an occurrence dated 10.08.2019, the FIR was lodged on 22.08.2019 and there is no explanation for the delay. Learned counsel further submits that three years prior to the occurrence, partition has taken place between the brothers and property was distributed between the two brothers and this petitioner was nothing to do either with sister of the informant or with her husband. Learned counsel further submits that there is no witness to the occurrence and it has come in the statement of the witnesses examined during investigation that the deceased himself consumed poison. Moreover, there is no direct allegation against the petitioner. The co-accused has been granted bail by a Co-ordinate Bench vide order dated 05.10.2021 passed in Cr. Misc. No. 13240 of 2021. The petitioner is in custody since 06.09.2021 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting



that witnesses in paragraphs 3, 4 and 5 of the case diary have supported the prosecution case.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-specific nature of allegation against the petitioner without any substantive material coming up on record against him and further considering his period of custody and the submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, West Muzaffarpur in connection with Kurhani P.S. Case No. 549 of 2019, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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