

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19111 of 2022

Arising Out of PS. Case No.-386 Year-2021 Thana- HARSIDHI District- East Champaran

Heera Agrawal @ Heera Lall Agrawal Son Of Late Moti Lall Agrawal
Resident Of Village - Harsidhi, P.S.- Harsidhi, District - East Champaran
... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 19323 of 2022

Arising Out of PS. Case No.-386 Year-2021 Thana- HARSIDHI District- East Champaran

Gautam Kumar Agrawal @ Gautam Kumar @ Dubli Agrawal S/O Late Moti
Lall Agrawal R/O Village- Harsidhi, P.S.- Harsidhi, District- East Champaran
... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 27917 of 2022

Arising Out of PS. Case No.-386 Year-2021 Thana- HARSIDHI District- East Champaran

Pramod Agarwal @ Pramod Kumar Agrawal Son Of Late Prahalad Rai R/ O-
Village- Harsidhi, Ward No. 2, P.S.- Harsidhi East Champaran
... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 19111 of 2022)

For the Petitioner/s : Mr. Rana Vikram Singh

For the Opposite Party/s : Mr. Uday Chand Prasad

Mr. Deepak Kumar

Mr. Dhananjay Kumar Gupta

Mr. Rajiv Ranjan

(In CRIMINAL MISCELLANEOUS No. 19323 of 2022)

For the Petitioner/s : Mr. Rana Vikram Singh

For the Opposite Party/s : Mr. Umesh Lal Verma

Mr. Dhananjay Kumar Gupta

Mr. Rajiv Ranjan

(In CRIMINAL MISCELLANEOUS No. 27917 of 2022)

For the Petitioner/s : Mr. Umesh Chandra Verma

Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Md. Ataur Rahman

Mr. Dhananjay Kumar Gupta

Mr. Deepak Kumar



CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 27-09-2022 **CRIMINAL MISCELLANEOUS No.19111 of 2022**

Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the petitioner has antecedent of one case in which police after investigation submitted final form and the informant alleges that on 24.09.2021, his son Bipin Kumar Agrawal was returning from Block Office and Primary Health Centre when two riders came on a motorcycle and shot him on account of which his son sustained firearm injury and fell down and was taken to Primary Health Centre, Harsidhi from where he was referred to Sadar Hospital, Motihari. It is alleged that informant's son was a R.T.I. worker and previously had filed cases for removal of encroachment for government land at Harsidhi on account of which, encroacher got his son killed in conspiracy with other unknown accused persons.

The learned counsel for the petitioner submits that the F.I.R. was against unknown and the informant in the F.I.R. has not even remotely raised any suspicion against the petitioner, who is an agnate of the informant. It is next submitted that during the course of investigation, the family members of the deceased raised suspicion



against the petitioner as it has come in the case diary. It is next submitted that since the petitioner is agnate of the informant and there is a land dispute for which, a Jama Bandi Cancellation Case No.105 of 2018-19 for cancellation of Jama Bandi No.364 appertaining to 03 kattha, 10 Dhurs of land in plot no.173 is going on before the Circle Officer, Harsidhi, as such, to coerce the petitioner into submission, by way of after thought, his name was taken during the course of investigation by the family members of the deceased. The learned counsel submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the occurrence took place as the encroacher on government land were aggrieved by the fact that being a R.T.I. worker was behind them and wanted them to be evicted. It is next submitted that petitioner is relative of the deceased and is not an encroacher of government land, as such, there was absolutely no occasion for the petitioner to get the deceased killed in conspiracy.

The learned counsel for the informant as well as learned A.P.P. opposes the bail application, but are not able to meet the submission of the learned counsel for the petitioner that petitioner is not named in the F.I.R. He is agnate and there is a civil dispute which is going on between the parties.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of



six weeks, 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 the learned Court below where the case is pending in connection with Harsidhi P. S. Case No.386 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

CRIMINAL MISCELLANEOUS No. 19323 of 2022

Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the petitioner has antecedent of one case in which police after investigation submitted final form and the informant alleges that on 24.09.2021, his son Bipin Kumar Agrawal was returning from Block Office and Primary Health Centre when two riders came on a motorcycle and shot him on account of which his son sustained firearm injury and fell down and was taken to Primary Health Centre, Harsidhi from where he was referred to Sadar Hospital, Motihari. It is alleged that informant's son was a R.T.I. worker and previously had filed cases for removal of encroachment for government land at Harsidhi on account of which, encroacher got his son killed in



conspiracy with other unknown accused persons.

The learned counsel for the petitioner submits that the F.I.R. was against unknown and the informant in the F.I.R. has not even remotely raised any suspicion against the petitioner, who is an agnate of the informant. It is next submitted that during the course of investigation, the family members of the deceased raised suspicion against the petitioner as it has come in the case diary. It is next submitted that since the petitioner is agnate of the informant and there is a land dispute for which, a Jama Bandi Cancellation Case No.105 of 2018-19 for cancellation of Jama Bandi No.364 appertaining to 03 kattha, 10 Dhurs of land in plot no.173 is going on before the Circle Officer, Harsidhi, as such, to coerce the petitioner into submission, by way of after thought, his name was taken during the course of investigation by the family members of the deceased. The learned counsel submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the occurrence took place as the encroacher on government land were aggrieved by the fact that being a R.T.I. worker was behind them and wanted them to be evicted. It is next submitted that petitioner is relative of the deceased and is not an encroacher of government land, as such, there was absolutely no occasion for the petitioner to get the deceased killed in conspiracy.

The learned counsel for the informant as well as learned A.P.P. opposes the bail application, but are not able to meet the



submission of the learned counsel for the petitioner that petitioner is not named in the F.I.R. He is agnate and there is a civil dispute which is going on between the parties.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, 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 the learned Court below where the case is pending in connection with Harsidhi P. S. Case No.386 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

CRIMINAL MISCELLANEOUS No. 27917 of 2022

Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 302, 120(B)/ 34 of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is nephew of Heera Agrawal.

The learned counsel for the petitioner submits that petitioner is own nephew of Heera Agrawal and Gautam Kumar



Agrawal, who have been granted anticipatory bail by order dated 27.09.2022 in Cr. Misc. No.19111 of 2022 and Cr. Misc. No.19323 of 2022 respectively. The learned counsel for the petitioner submits that petitioner also relies on the submissions made by the learned counsel for the petitioner in the case of Heera Agrawal as petitioner is also similarly situated like Heera Agrawal being family members of the deceased.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, 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 the learned Court below where the case is pending in connection with Harsidhi P. S. Case No.386 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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