

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37960 of 2021**

Arising Out of PS. Case No.-202 Year-2020 Thana- BAHADURPUR District- Darbhanga

Santosh Bhagat, Son of Late Shivnandan Bhagat Resident of Village -
Bakuchi, P.S.- Katra, District - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Iqbal Asif Niazi, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No.2, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 18-01-2022 Heard learned counsel for the petitioner and Mr. Ajay
Kumar No. 2, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Session Trial No. 44/2021 arising out of Bahadurpur P.S. Case No. 202 of 2020 registered for the offences punishable under Section 302, 120(B)/34 of the Indian Penal Code. He is in custody since 07.05.2020 having no criminal antecedent as stated in paragraph '3' of the application.

Learned counsel for the petitioner submits that it is an admitted fact that the marriage between the petitioner and the deceased, who happened to be the sister of the informant, took place about 10 years ago and out of the said wedlock they had three children. It is further submitted that the sister of the informant was killed inside the room where she was sleeping



with her another sister Anjali Kumari and this petitioner was not present in his sasural during that period. As per prosecution case, Anjali Kumari had informed the informant that thieves are entered into the house and they had pressed the neck of her sister who fell unconscious and in course of her treatment in D.M.C.H. she died.

Learned counsel submits that initially the statement of Anjali Kumari, one of the sisters of the informant, was recorded by the A.S.I. of Beta O.P. and then the same was forwarded to the S.H.O. Bahadurpur Police Station, but as it appears the informant Prince Kumar lodged the F.I.R. with Bahadurpur Police Station improving upon the version of his sister Anjali Kumari in which he made allegations against the petitioner.

Learned counsel submits that in course of investigation allegations were made that this petitioner was having some relationship with another sister of the informant and he had got his wife killed. The another sister of the informant was also made an accused, however, she has been granted bail in Cr. Misc. No. 3022/2021 (Annexure 4). Learned counsel has then informed this court that in this case the trial has begun and two witnesses have been examined so far. The informant has been examined and in his cross examination he



has stated that the marriage between his sister and the petitioner was solemnized 10 years ago, they have got three children and during the subsisting marriage period his sister had never made any complaint against the petitioner. The another witness has been declared hostile.

Mr. Iqbal Asif Niazi, learned counsel has read out before the court the relevant part of the deposition and submits that considering that the petitioner is in custody for more than one and half year and there are minor children in the house and nobody is there to look after them and no fruitful purpose will be served by keeping the petitioner behind the bars.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but considering the totality of the materials placed on the record as have been taken note of hereinabove, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – X, Darbhanga in connection with Session Trial No. 44/2021 arising out of Bahadurpur P.S. Case No. 202 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.



And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

