

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35168 of 2022

Arising Out of PS. Case No.-127 Year-2021 Thana- RAJEPUR District- East Champaran

Anil Bhagat Son Of Sri Mahendra Bhagat Resident of Village Kashi Pakri,
P.S.- Rjepur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh

For the Opposite Party/s : Mr. Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 17-11-2022 Heard learned counsel for the petitioner and the State.

Petitioner apprehends arrest in a case registered for the offence punishable under Sections 302, 120(B)/34 of Indian Penal Code.

As per prosecution case, 9 FIR named accused persons and 10-15 unknown persons assaulted the informant and his father and forcibly took them away to village Kashi Pakri. However, the informant became successful in fleeing away and later with the help of Panchayati, released his father. It is further alleged that accused persons brutally assaulted his father due to which he died during course of treatment.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Petitioner is known to the informant but is not named



in the FIR and there is no eye witness of the occurrence. It is further submitted that no occurrence as alleged has been taken place and it appears from post-mortem report that deceased died in some other mode and manner and present case has been instituted falsely implicating large number of persons with ulterior motive. Further, during investigation there is no direct or indirect tangible evidence against this petitioner to prove his complicity in the aforesaid crime.

Considering the aforesaid facts and circumstances, let the above named petitioner in the event of his arrest/surrender before the court below within a period of thirty days from the date of receipt/production of copy of this order, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, East Champaran, Motihari in Rajepur P. S. Case No. 127 of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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