

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39345 of 2022

Arising Out of PS. Case No.-248 Year-2021 Thana- HASANPUR District- Samastipur

Kari Malakar S/o Churan Malakar, R/o Village/Mohalla- Kurwan, P.S.-
Hasanpur, District- Samastipur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 42760 of 2022

Arising Out of PS. Case No.-248 Year-2021 Thana- HASANPUR District- Samastipur

Kaushalanand Jha S/o Maheshwar Jha, R/o village- Sakarpura, P.S.-
Hasanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 39345 of 2022)

For the Petitioner/s : Mr. Avinash Kumar Singh, Adv.

For the Opposite Party/s : Mr. Indu Kumari Srivastava, APP.

(In CRIMINAL MISCELLANEOUS No. 42760 of 2022)

For the Petitioner/s : Mr. Yogesh Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 23-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with
Hasanpur P.S. Case No. 248 of 2021, lodged under Sections 302

and 34 of the Indian Penal Code.

As per the prosecution case, the F.I.R. has been filed against unknown person, alleging therein that a white Scorpio vehicle with four lights on the top used to come to her house and two persons sitting in it used to call out the husband of informant and used to flee away, when they went to answer the call. At the time it is alleged that the duo again inquire about Bhagat Jee from her daughter-in-law on which it was informed to the driver that he has gone to Dumra Chowk. It has been alleged that six persons including the driver and teachers of the school on a motorcycle got down and started altercation with driver of the Scorpio vehicle in front of the school. In the meantime, the husband of the petitioner visited there and stopped them to assault. All returned but in apprehension that they may cause harm to driver, Bhagat Jee followed them riding on motorcycle of Vipin and not returned and subsequently on 04.12.2021 his dead body was recovered near Jagarnathpur Dhala, by his side three towels of a vehicle was lying there.

Learned counsel for the petitioner of Cr. Misc. No.39345 of 2022 submits that petitioner is innocent and has committed no offence. He also submits that Police has arrested the present petitioner while sitting on the motorcycle with

petitioner of Cr. Misc. No.42760 of 2022. The only specific allegation against the present petitioner is that he has helped in disposing the dead body. He further submits that the petitioner is in custody since 04.02.2022 and charge sheet has already been filed in this case.

Learned counsel for the petitioner of Cr. Misc. No.42760 of 2022 is innocent and has committed no offence. He further submits that the petitioner is a Reporter of a local newspaper and police has grievances against him and, therefore, police has filed a criminal case against him showing a pistol from his possession, about which he has narrated in Paragraph 3 of the application. Learned counsel further submit that subsequently the petitioners are remanded in the present case save and except there is no case pending against the petitioner and he has in custody since 04.02.2022.

One important aspect on which learned counsel for the petitioner has put emphasis is that as per the allegation of the F.I.R., the cause of death of Bhagat Jee is by a sharp cutting weapon. Post-mortem report also supports the allegation of F.I.R. that there is hard and sharp substance. He further submits that the other co-accused person has already been granted bail by the Co-ordinate Bench of this Court vide order dated

16.11.2022 passed in Cr. Misc. No. 35829 of 2022.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Court of ACJM, IV, Rosera at Samastipur in connection with Hasanpur P.S. Case No. 248 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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