

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43875 of 2022

Arising Out of PS. Case No.-188 Year-2022 Thana- SAHEBGANJ District- Muzaffarpur

Munna Kumar @ Sachin Kumar @ Saheen Son Of Ramdas Bhagat @
Ramdas Prasad Resident Of Village - Shahpur, P.S.- Sahebganj, Distt.-
Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 45070 of 2022

Arising Out of PS. Case No.-188 Year-2022 Thana- SAHEBGANJ District- Muzaffarpur

Shashi Ranjan Bhagat S/O Jay Chandra Bhagat Resident Of Village- Sahpur
P.S.- Sahebganj, District- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 43875 of 2022)

For the Petitioner/s : Md. Anis Akhtar, Advocate

:

Mr. Rananjay Kumar, Advocate

For the Opposite Party/s : Mr. Pradeep Narayan Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 45070 of 2022)

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Advocate

For the Opposite Party/s : Mr. Pradeep Naryan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 28-11-2022 The learned counsels for the petitioners are directed

to remove all the defects pointed out by the Stamp Reporter

within one month.

Heard learned counsels for the petitioners and the
learned APP for the State.

Petitioners seek regular bail in connection with

Sahebganj P.S. Case No. 188 of 2022 registered for the offences

punishable under Sections 448, 341, 323, 354, 302 and 34 of



the Indian Penal Code.

As per the prosecution, the petitioner Munna Kumar @ Sachin Kumar and the deceased, daughter of the informant were found in compromising position in bathroom of the informant's house which was noticed by daughter-in-law of the informant who then locked both inside the bathroom and then the petitioner Munna Kumar @ Sachin Kumar called his relatives, thereafter another petitioner Shashi Ranjan Bhagat and other relatives of Munna Kumar @ Sachin Kumar came there and they took the informant's daughter and co-accused Munna Kumar @ Sachin Kumar alongwith them and thereafter the informant got the information that his daughter has been admitted in SKMCH, Muzaffarpur and later on he found that his daughter has died.

The main submissions advanced by the learned counsel Md. Anis Akhtar appearing for the petitioner Munna Kumar @ Sachin Kumar are that though the petitioner is named in the FIR but there is no any material against the petitioner and the deceased was having a love affair with a co-villager of different caste which was being opposed by her family and due to which the informant's daughter consumed poison. Further it is submitted that the petitioner was called for the deceased's



treatment as this petitioner is a small local medical practitioner but he advised to take the deceased to hospital for better treatment and the petitioner has been falsely implicated because of ulterior motive in the present case. The petitioner has got no criminal antecedent and has been languishing in jail since 12.05.2022.

On behalf of petitioner Shashi Ranjan Bhagat, learned counsel Mr. Dhannjay Kumar No 2. submitted that petitioner has fare and clean antecedent and the allegation made in the FIR is completely unbelievable as in the night at 11 P.M it was not possible for the petitioner and his relatives to take the informant's daughter from the informant's own house and the prosecution's story narrated in the FIR is completely false and during the course of investigation all the independent witnesses have not supported the allegation made in the FIR and the petitioner has been made scapegoat in the instant matter.

Learned APP Mr. Pradeep Narayan Kumar appearing for the State has opposed the bail prayer.

Having regard to the facts and circumstances of the case and considering the above submissions coupled with the fact that both the petitioners have clean antecedent as mentioned in their petitions and have been languishing in jail since



12.05.2022 and 25.05.2022 respectively and against them there is no direct allegation in the FIR and the allegation appearing against the petitioner Shashi Ranjan Bhagat does not appear to be credible as at the alleged time when victim was allegedly taken by this petitioner and co-accused persons the family members of the informant had knowledge of the victim being present in their house in the company of petitioner Munna Kumar @ Sachin Kumar and both were locked inside a room by daughter in-law of the informant and the FIR did not disclose that any resistance was made by the informant's family when the victim was allegedly taken by the petitioners Munna Kumar, Shashi Ranjan Bhagat and others. Accordingly in the light of these facts, in the opinion of this Court a lenient approach can be taken in respect of the petitioners' prayer, let the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Sahebganj P.S. Case No. 188 of 2022.

(Shailendra Singh, J.)

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