

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65901 of 2021

Arising Out of PS. Case No.-223 Year-2020 Thana- SARAIYA District- Muzaffarpur

Raju Bhagat S/o Baijnath Bhagat @ Baidhya Nath Bhagat R/o Village-
Basantpur Patti, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate
For the Opposite Party/s : Mr. Bharat Lal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 28-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from today.

In the present case, the petitioner seeks bail in
connection with Sessions Trial No. 74 of 2021 arising out of
Saraiya P.S. Case No. 223 of 2020 registered for the alleged
offences under Sections 302/34 of the Indian Penal Code.

The prosecution case is that the petitioner and other
co-accused persons shot the son of the informant dead.

The learned counsel for the petitioner submits that
there is no eye witness to the alleged occurrence. F.I.R. has been
lodged after delay of two days and is apparently an after-
thought. Further, the postmortem report shows the death has



been caused by sharp weapon so it falsifies the claim of the informant made in the F.I.R. The learned counsel further submits that the petitioner is in custody since 02.05.2020.

Learned A.P.P. for the State has opposed the the submissions made on behalf of the petitioner. The learned A.P.P. submits that the petitioner was last seen together with the deceased and the sister of the deceased has supported this fact.

Having regard to the submissions made hereinabove and considering the fact that except for last seen nothing material has come up on record against the petitioner who is in custody for more than two years, the petitioner above named, is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned IXth Additional Sessions Judge, Muzaffarpur in connection with Sessions Trial No. 74 of 2021 arising out of Saraiya P.S. Case No. 223 of 2020, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or



in violation of the terms of the bail, the bail bond of the
petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

ved/-

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