

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7933 of 2023

Arising Out of PS. Case No.-44 Year-2016 Thana- PAKRIDAYAL District- East Champaran

SANTOSH KUMAR Son of Jaykishor Prasad Resident of Village- Mathiya,
P.S.- Pakaridayal, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 302, 120B and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the informant alleges that his brother had gone to attend natures call, after some time, the informant heard screaming words of his brother, accordingly, he went to the place of occurrence where he saw his brother hanging on a tree and accused Arun Bhagat, Dilip Bhagat along with some unknown persons were seen fleeing from the place of occurrence. It is next alleged that one Chandan Kumar who was also near the place of occurrence



disclosed that accused Arun Bhagat and Dilip Bhagat along with some unknown persons have committed murder of the informant's brother by hanging him on the tree, further, two motorcycles were recovered from the place of occurrence which belongs to the accused persons.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that petitioner is cousin brother of Arun Bhagat and he had given his motorcycle to Arun Bhagat. Learned counsel next submits that even Arun Bhagat was not involved in the occurrence, it is next submitted that Arun Bhagat was acquitted by the learned Trial Court in Session Trial No. 39 of 2018 by judgment dated 12.01.2021. Learned counsel next submits that petitioner in the year 2017 filed anticipatory bail before this Court but the same was rejected and, thereafter, he had gone outside for doing work. It is further submitted that since Arun Bhagat has already been acquitted by the learned Trial Court after full-fledged trial, as such, no purpose would be served by keeping the petitioner in custody, however, it is submitted that the petitioner will not abscond and will cooperate in the trial.

Learned counsel for the petitioner submits that the



Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent and charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Pakaridayal P.S. Case No. 44 of 2016.

(Satyavrat Verma, J)

HarshPandey/-

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