

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38857 of 2022

Arising Out of PS. Case No.-311 Year-2009 Thana- RUNISAIDPUR District- Sitamarhi

Rajdev Bhagat Son Of Late Ram Baran Bhagat R/O Village- Gausnagar, P.S.-
Mahindra Bara, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 14-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Runnisaidpur P.S. Case No. 311 of 2009, registered for the
offences punishable under Sections 328, 302 and 34 of the
I.P.C.

The prosecution case as emerges from the FIR is
that the victim was found dead in his *Sasural* and parents-in-
law of the deceased has been made accused suspecting
administration of poison by them.

Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this



case only on the basis of suspicion. He further submits that as per post-mortem report, the cause of death is not certain. He also submits that the FSL report is still not received by the Court. He further submits that even as per the case-diary, some of the witnesses have stated that the deceased himself has taken poison to commit suicide, whereas some witnesses have stated that he was administered poison by the accused. He further refers to the deposition of four prosecution witnesses who have not supported the prosecution case. The copy of the deposition of the four prosecution witnesses has been taken on record.

He further submits that the petitioner has been languishing in jail since 29.08.2021.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.



Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Sessions Judge-VIII, Sitamarhi in connection with Runnisaidpur P.S. Case No. 311 of 2009, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court



below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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