

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42257 of 2022

Arising Out of PS. Case No.-95 Year-2022 Thana- PAROO District- Muzaffarpur

1. SATNARAYAN BHAGAT S/o Late Nunu Bhagat Resident of Village - Bahdinpur, P.S.- Paroo, District - Muzaffarpur.
2. INDRADEV BHAGAT S/o- Late Nunu Bhagat Resident of Village - Bahdinpur, P.S.- Paroo, District - Muzaffarpur.
3. KRISHNA KUMAR S/o- Satnarayan Bhagat Resident of Village - Bahdinpur, P.S.- Paroo, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 42398 of 2022

Arising Out of PS. Case No.-95 Year-2022 Thana- PAROO District- Muzaffarpur

PREM CHAND BHAGAT S/o Late Nunu Bhagat R/o village- Bahdinpur,
P.S.- Paroo, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 42257 of 2022)

For the Petitioner/s	:	Mr. Sunil Kumar Pandey
For the State	:	Mr. Narsingh Tanti
For the Informant	:	Mr. Suraj Narain Yadav
		Ms. Sweta Kumari
		Mr. Masoom Alam

(In CRIMINAL MISCELLANEOUS No. 42398 of 2022)

For the Petitioner/s	:	Mr. Sunil Kumar Pandey
For the State	:	Mr. Narsingh Tanti
For the Informant	:	Mr. Suraj Narain Yadav
		Ms. Sweta Kumari
		Mr. Masoom Alam

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 18-04-2023 The learned counsel for the petitioners is directed to



remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners as well as Mr. Narsingh Tanti, the learned Additional Public Prosecutor for the State and also heard the learned counsel for the informant.

The petitioners are seeking regular bail in connection with Paroo P.S. Case No. 95 of 2022, registered for offence punishable under Section 302/34 of the Indian Penal Code.

As per prosecution case, Vijay Bhagat, who was friend of son of the informant, namely, Ashutosh Kumar @ Munna (deceased), came to his house and took him out from his house. The son of the informant did not return. The informant with his son Ankush Kumar and brother Dhirendra Rai went to the house of the petitioner Satnarayan Bhagat, who is the father of Vijay Bhagat. They saw that the petitioners and the accused persons were assaulting his son Munna Kumar. The petitioners and other named accused persons badly assaulted informant's son with *Lathi, Danda*, bricks and stones. They also assaulted the informant and his family members. Due to assault given by the petitioners and their family members, son of the informant Munna Kumar died at the spot.



The learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. As a matter of fact, son of the petitioner Satnarayan Bhagat, namely, Vijay Kumar was friend of the deceased Munna, who along with another friend, namely, Imtiyaz had committed the murder of Vijay Kumar and in this respect, Paroo P.S. Case No. 96 of 2022 was lodged on the same day against the deceased Munna, Imtiyaz Ahmad and others. The informant of that case is petitioner Satnarayan Bhagat, who is the father of Vijay Kumar. He has submitted further that the petitioners are in custody since 09.03.2022.

On the other hand, the learned APP as well as the learned counsel for the informant have opposed the prayer for bail and submitted that the version of the prosecution is entirely false and fabricated. As a matter of fact, Imtiyaz Ahmad, Vijay Kumar and Munna Kumar were friends and in the statement of co-accused Imtiyaz Ahmad recorded in paragraph 14 of the case diary it has come that all the three were engaged in illicit trading of liquor. They proceeded for purchase of liquor by a vehicle to the neighbouring State Uttar Pradesh, but due to alertness of police, they were returning and son of the petitioner Vijay Kumar died in an accident. The dead body of Vijay Kumar was



brought to the house of the petitioner Satnarayan Bhagat, but the petitioner Satnararan Bhagat and his family members suspected Munna Kumar and co-accused Imtiyaz Ahmad as killer of Vijay Kumar and on that suspicion, they apprehended them and badly assaulted them. Munna Kumar, due to that assault, died and Imtiyaz Ahmad became badly injured.

The learned counsel for the informant, by referring paragraph 45 of the case diary, has submitted that in supervision note it has come that in Paroo P.S. Case No. 96 of 2022, the Investigating Authority has submitted final form. He has submitted further that the case diary of Paroo P.S. Case No. 96 of 2022 has also been called for and in paragraph 42 of that case diary, the final form has been submitted against the members of prosecution side, to which the learned counsel for the petitioners replies that the *post mortem* report of deceased Vijay Kumar shows that he suffered injuries caused by hard and blunt substance, which shows that the death of Vijay Kumar is homicidal.

The case lodged by the defense side was not found true during investigation, whereas there is specific allegation on the petitioners along with their family members that they badly assaulted the deceased Munna Kumar resulting into his death. In



my view, the petitioners, Satnarayan Bhagat, Indradev Bhagat and Krishna Kumar do not deserve the privileges for bail and accordingly their prayer for bail is **rejected**.

The learned trial court is directed to take every endeavour to conclude the trial within a period of six months. If the trial is not concluded within a period of six months, the petitioners may renew their prayer for bail.

So far as petitioner Prem Chand Bhagat is concerned, he is not named in the FIR, whereas the informant is an eye-witness. The prayer for bail of petitioner Prem Chand Bhagat is allowed. **Let him be released on bail** on furnishing bail bonds of Rs.10,000/- (ten thousand rupees) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, (West) Muzaffarpur in connection with Paroo P.S. Case No. 95 of 2022, subject to the following conditions:-

- (i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.
- (ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for



cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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