

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50313 of 2023

Arising Out of PS. Case No.-89 Year-2022 Thana- BARGAINIA District- Sitamarhi

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Umesh Bhagat S/o Badri Bhagat Resident of Village-Nandwara Badhai Tola,
Ward No. 8, Police Station-Bairgania, District-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mrs. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
18.04.2023 in connection with Bairgania P.S. Case No. 89 of
2022, F.I.R. dated 06.04.2022 for the offences punishable under
Sections 302, 34, 504 of the Indian Penal Code.

3. According to prosecution case, due to some quarrel
between the parties, this petitioner along with other accused
persons have took the father of the informant to the field where
this petitioner inflicted assault and dragged him on the ground
resulting into his death.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the



allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that there is no external injury found on the person of the deceased.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that from perusal of the F.I.R it appears that there is specific allegation against the petitioner that he has assaulted and dragged the deceased on the ground and the deceased died due to the act of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that there is direct and specific allegation against the petitioner, I am not inclined to enlarge the petitioner on bail in connection with Bairgania P.S. Case No. 89 of 2022 pending in the court of learned Chief Judicial Magistrate, Sitamarhi, District- Sitamarhi.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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