

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62887 of 2022

Arising Out of PS. Case No.-188 Year-2021 Thana- MADHUBAN District- East Champaran

NAGENDRA KUMAR S/O SHRI YOGENDRA BHAGAT Resident of
village- Bhagwanpur, P.S.- Madhuban, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs.Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 19-06-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
24.05.2022 in connection with Madhuban P.S. Case No. 188 of
2021, F.I.R. dated 19.06.2021 registered for the offence
punishable under Sections 302/34 of IPC.

The prosecution story in brief as stated in the written
application of one Nagendra Kumar (hereinafter called the
informant) and now the petitioner of the bail petition himself,
addressed to the SHO, Madhuban, Motihari is that on
19.06.2021 at about 8.30 AM he went to the house of his sister,
where he saw that accused-Surendra Bhagat and Jitendra Bhagat
carrying two bags on their shoulder and accused Kanchan Devi,
Kishundeo Bhagat and Uditnarayan Kumar were with them.
When the accused persons saw the informant, they left the bag



and fled away. The informant opened the bag and find the dead bodies of his nephew and niece namely, Kajal Kumar and Himanshu Kumar in one bag and in the other bag, he found the dead body of his sister, Dharamshila Devi. Thereafter, the informant informed the police and police came at the place of occurrence and sent the dead bodies for postmortem.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. In fact the petitioner was the informant in the present case and during investigation the petitioner has been made accused in the present case. Further submits that during investigation it has come that the deceased had committed suicide and the petitioner has no role at all in the alleged occurrence, except conspiracy, and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 24.05.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Motihari, East Champaran in connection with
Madhuban P.S. Case No. 188 of 2021, with the following
conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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