

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73372 of 2022

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

1. UMESH BHAGAT Son of Badri Bhagat Resident of village - Nandwara Badai Tola Ward No.- 8, Police Station - Bairgania, District - Sitamarhi
2. Nootan Devi Wife of Umesh Bhagat Resident of village - Nandwara Badai Tola Ward No.- 8, Police Station - Bairgania, District - Sitamarhi
3. Aarati Devi Wife of Gauri Bhagat Resident of village - Nandwara Badai Tola Ward No.- 8, Police Station - Bairgania, District - Sitamarhi
4. Khushboo Devi Wife of Mahesh Bhagat Resident of village - Nandwara Badai Tola Ward No.- 8, Police Station - Bairgania, District - Sitamarhi
5. Shikila Devi Wife of Badri Bhagat Resident of village - Nandwara Badai Tola Ward No.- 8, Police Station - Bairgania, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar
For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-02-2023 Heard the parties.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 302, 34, 504 of the Indian Penal Code.

The allegation against the petitioners is that they assaulted the informant's father by means of several weapons due to which he died.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence.



They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. He further submits that no injury has been found on the body of the deceased. The deceased was an old person suffering from several disease and due to some other reason fell down and died due to to heart failure. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail and submits that there is specific allegation against the petitioner no.1 namely, Umesh Bhagat to assault the informant's father due to which he died.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner no.1 on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

However, as there is no specific overt act against the petitioner nos.2, 3, 4 and 5, let the above named petitioner nos.2, 3, 4 and 5 be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/-



(Rupees Twenty Five Thousand) **each** 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 Bairgania P.S. Case No.89 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

shikha/-

U		T	
---	--	---	--

