

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19796 of 2024

Arising Out of PS. Case No.-138 Year-2023 Thana- BARURAJ District- Muzaffarpur

Chanar Bhagat @ Chandra Bhagat S/o Late Sheo Nandan Bhagat R/o Village
- Lakhansen, P.S. - Baruraj, District - Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shashi Bhushaan Bhagat S/o Ramchandra Bhagat R/o Village - Sahmalwa,
P.S. - Baruraj, District - Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binodanand Mishra, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 01-05-2024 Heard learned counsel for the petitioner, learned APP
for the State and perused the case diary.

2. Learned counsel for the petitioner is permitted to
make necessary corrections in paragraph no. 8 of the bail
petitioner in course of the day.

3. The petitioner seeks bail in connection with Baruraj
P.S. case No. 138 of 2023 instituted for the offences under
Sections 304B/34 of the Indian Penal Code.

4. Prosecution case, in short, is that the petitioner
alongwith the family members tortured and killed the deceased
for the non-fulfillment of demand of dowry.

5. Learned counsel for the petitioner submitted that the



petitioner has falsely been implicated in the present case. Petitioner is the father-in-law of the deceased. Learned counsel for the petitioner submitted that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. Learned counsel further submitted that petitioner is separate in mess and business and has got no concern in the family affairs of the deceased and her husband. Petitioner is aged about eighty years and is suffering from various old age ailments. Charge-sheet has been submitted in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 20.08.2023 and has no criminal antecedent.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and submitted that in the post-mortem report, the cause of death is shown as asphyxia due to hanging which corroborates the prosecution case.

7. Considering the aforesaid facts and circumstances of the case, *old age of the petitioner* as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing



bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Baruraj P.S. case No. 138 of 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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