

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76119 of 2023

Arising Out of PS. Case No.-874 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

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BHARAT DAS @ BHARAT KUMAR S/O SRI SHIV NANDAN DAS R/O
VILL-MAHMADPUR, PO-JHAPAHA, PS-AHIYAPUR, DISTRICT-
MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh

For the Opposite Party/s : Mr.Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 07-03-2024 1. Heard Mr. Krishna Kant Singh, learned counsel for the petitioner and learned Additional Public Prosecutor appearing for the State.

2. The petitioner apprehends his arrest in connection with Ahiyapur P.S. Case No. 874 of 2023, G.R. No. 3783 of 2023 dated 13.07.2023 registered under Sections 147, 149, 302 of the I.P.C.

3. As per the First Information Report on 09.07.2023 while the father of the informant was working in his field, the accused persons, nine in number, including the petitioner - Bharat Das armed with lethal weapons, arrived at the place of occurrence



and forcibly started ploughing his field. On Objection being raised by the father of the informant, the petitioner- Bharat Das ordered to kill him, upon which all the F.I.R. named accused persons surrounded his father and assaulted him with *lathi*, '*Mungri*', legs and fists indiscriminately. The petitioner jumped on the chest of the father of the informant and assuming him to be dead and seeing some persons coming, all the accused persons fled away. The father of the informant was taken to S.K.M.C.H., Muzaffarpur from where he was referred to P.M.C.H. for better treatment but he succumbed to the injuries.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to land dispute. He further submits that the informant is not the eye witness to the alleged occurrence and both the parties are agnates. Title Suit No. 2 of 2019 is pending between them. There is no independent witness and nothing adverse has been collected during the course of investigation. He next submits that in fact the father of the informant collapsed and fell down inasmuch as in the post mortem report the reason for death has been stated to be intracranial hemorrhage and its complication which in fact is bleeding in the brain parenchyma and as such it



cannot be said that the father of the informant died due to indiscriminate assault by the accused persons.

5. On the other hand, learned Additional Public Prosecutor appearing for the State vehemently opposed the prayer for bail and submits that the learned Addl. Sessions Judge, Muzaffarpur while considering the A.B.P. No. 3222 / 2023 filed by the petitioner has taken note of various paragraphs of the case diary and considering the gravity of the accusation has refused to grant anticipatory bail to the petitioner.

6. Regard being had to the submission made by the parties, taking into consideration the fact that both the parties are agnates, title suit is pending between the parties, the informant is not the eye witness of the occurrence and the cause of death in the post-mortem report is intracranial hemorrhage, as such, I am inclined to grant the privilege of anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Muzaffarpur in connection with Ahiyapur P.S. Case No.



874 of 2023, G.R. No. 3783 of 2023 subject to the condition as
laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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