

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79600 of 2023

Arising Out of PS. Case No.-423 Year-2016 Thana- RUNISAIDPUR District- Sitamarhi

Chiranjivee Sagar @ Chiranjivee Bhagat Son of Late Bindeshwar Bhagat
Resident of Village - Hajpurba, Police Station - Runni Saidpur, District -
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Smiti Bharti, Adv.

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

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

ORAL ORDER

5 08-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has earlier moved before this Court
with a prayer for bail which was rejected vide order dated
05.03.2020 passed in Cr. Misc. No. 76710 of 2019.

3. The petitioner seeks bail in connection with Runni
Saidpur P.S. Case No. 423 of 2016 (corresponding to Sessions
Trial No. 450 of 2022) instituted for the offences under Sections
109/302 and 120(B) of the Indian Penal Code.

4. As per prosecution case, the allegation against the
petitioner is of committing conspiracy and abatement for murder
while incarcerated.

5. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He submits that as a matter of fact, no murder has taken place and falsely Section 302 I.P.C. has been added in this case. The entire prosecution rests on oral testimony without there being any scientific examination of the materials available on record. The co-accused Arun Bhagat has already been enlarged on bail by the court below itself. He further submits that the alleged target of murder (Prakash Kumar) in the F.I.R. is alive and has given evidence in course of trial as P.W.1 in this case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has altogether 17 criminal antecedents and is languishing in judicial custody since 30.01.2017 without any rhymes or reason. Charge has been framed on 19.01.2023 in this case and out of total six prosecution witnesses, three witnesses have been examined including he Investigating Officer.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner submitting that that charge has been framed under Sections 115/120B and 302 of the I.P.C. and, thus, the petitioner does not deserve bail.



7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, 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 Runni Saidpur P.S. Case No. 423 of 2016 (corresponding to Sessions Trial No. 450 of 2022), subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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