

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69649 of 2024**

Arising Out of PS. Case No.-112 Year-2024 Thana- BHAWANIPUR District- Purnia

Sanjay Kumar Bhagat, Male, aged about 35 years, S/o- Shiv Shankar Bhagat,
Resident of village- Sudama Nagar, PS-Bhawanipur, District-Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate, Mr. Arvind
Kumar, Mr. Kumar Rajdeep and Ms. Diksha
Kumari, Advocates
For the Opposite Party : Mr. Arvind Kumar Pandey, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 15-02-2025 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Bhawanipur P.S. Case No. 112 of 2024 dated 04.06.2024
registered for the offences punishable under Sections 302, 120B
read with Section 34 of the I.P.C. and Section 27 of the Arms
Act.

3. As per the prosecution case, two unknown persons
came to the paint shop of the informant's elder brother on a
black colour splendor motorcycle and fired on him due to which
he received firearms injury. He was brought to Health Centre,
Bhagwanipur and from where he was referred to Purnea where



the doctor has declared him to be dead.

4. Learned senior counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the F.I.R. has been lodged against two unknown persons. It is further submitted that the alleged occurrence took place on 02.06.2024 as to when the F.I.R. has been lodged on 04.06.2024 where the distance of the police station is about 1 K.M. from the place of occurrence and the delay in lodging of the F.I.R. has not been explained by the prosecution. It is further submitted that the name of the petitioner has come in the present case on the basis of the confessional statement of the co-accused Vikash Kumar during the course of investigation and except the confessional statement of the co-accused, there is no other substantive evidence to suggest the implication of the petitioner in the present case. It is further submitted that on the basis of the confessional statement of the co-accused Vikash Kumar, the motorcycle in question was recovered from the house of the co-accused Brajesh Kumar. It is further submitted that the co-accused Vikash Yadav and Brajesh Yadav have stated in paragraph nos. 58 and 59-65 of the case diary that the petitioner hired the accused persons to commit the murder of the deceased



hence, they committed murder of the deceased by firearms. It is submitted that from the confession of the co-accused Brajesh Kumar, it is evident that the co-accused Vikash Kumar has fired on the deceased and from the confession of the co-accused Vikash Kumar, it appears that the co-accused Vishal Kumar shot fired on the deceased. It is submitted that it has been incorrectly alleged by the co-accused Vikash Yadav and Brajesh Kumar in their confession that the petitioner hired them to commit the murder of the deceased. There was no dispute or difference between the petitioner and the deceased. It has come during the investigation that the co-accused Vikash Kumar and Vishal Kumar were on the alleged motorcycle. The petitioner was not present at the place of occurrence. No incriminating article has been recovered from the petitioner in course of investigation. He has no concern with the alleged offence. He was not put on T.I. Parade. The petitioner has one criminal antecedent in which he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 18.06.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above



named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Purnea in connection with Bhawanipur P.S. Case No. 112 of 2024 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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