

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37199 of 2020**

Arising Out of PS. Case No.-177 Year-2020 Thana- AMARPUR District- Banka

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Guddu Bhagat @ Guddu Yadav @ Raj Kumar, aged 24 years, Male, son of Pradeep Bhagat @ Pradeep Kumar, resident of village- Karsani, P.S.- Rajoun, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP
For the Informant : Mr. Brij Nandan Prasad, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 19-08-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Ajay Mukherjee, learned counsel for the petitioner; Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Brij Nandan Prasad, learned counsel for the informant.

3. The petitioner apprehends arrest in connection with Amarpur PS Case No. 177 of 2020 dated 09.04.2020, instituted under Sections 302/34 of the Indian Penal Code.

4. The allegation against the petitioner is that he along with co-accused Tulso Yadav had come to the house of the informant and taken her husband for purchase of fish on



01.04.2020, but he did not return to the house till the evening and on search, he was not found and next day from the newspaper she came to know that her husband had died due to accident. It is further alleged that six months ago there was dispute with the husband and the accused persons and, thus, suspicion has been raised with regard to the involvement of the accused, including the petitioner.

5. Learned counsel for the petitioner submitted that the allegation is falsified for the reason that if, six months prior to the accident there was dispute between the accused and the husband of the informant, there could not have been any occasion for the petitioner to have come to the house of the informant/deceased and for him to have accompanied the accused to buy fish. It was submitted that during investigation witnesses have stated that it was an accident and the petitioner had no role in it.

6. On 12.07.2021, the Court had called for the up-to-date legible photostat copy of the entire case diary along with inquest and postmortem reports. Learned APP has received the same.

7. On 12.08.2021, in view of submission of learned APP that the inquest and postmortem reports disclose multiple



injuries, both external and internal, on the deceased but there is no mentioning or report available with regard to injuries suffered by the petitioner, if at all, it is correct that he along with the deceased had met with an accident where the motorcycle is said to have fallen 20 feet below, learned counsel for the petitioner had taken time to bring on record the details of the treatment received by him. Learned counsel for the petitioner submitted that because the petitioner had got treatment from a village quack, no records being available, he has not filed any supplementary affidavit.

8. Learned counsel for the informant submitted that it was a pre-planned murder and the petitioner has cleverly given it the colour of an accident, which is false. It was submitted that there are multiple injuries on the body of the deceased and the motorcycle does not bear sign of any accident, the story cannot be believed, more so, as it was the petitioner who had called the deceased from the house and thereafter, he had died. It was submitted that there is not even a scratch on the body of the petitioner and most surprisingly, the body of the deceased bears signs of brutal murder as many internal organs have been crushed. Further, he contended that it is not possible that one person would receive so much injures and the other person



would not have even a scratch on his body. Moreover, it was submitted that the petitioner is said to have regained consciousness and had gone to get treatment, but he did not bother to look for the deceased or arrange for his treatment though he was the one, who had called him and was driving the motorcycle on which the deceased was sitting behind, as has been contended on his behalf, which clearly falsifies the defence version.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds substance in the submissions of learned APP and learned counsel for the informant. On an over all circumspection of the attending circumstances, the Court finds that the petitioner has not been able to show his *bona fide* and there is no explanation as to why there was no injury suffered by him, whereas, the deceased has suffered multiple internal injuries on many vital organs and further, that though he was the person, who had called the deceased from the house but he did not take any steps for treatment of the deceased if the story of accident is correct, and soon thereafter the victim had died.

10. For reasons aforesaid, the Court is not inclined to grant pre-arrest bail to the petitioner.



11. Accordingly, the petition stands dismissed.

12. Interim protection granted to the petitioner under
order dated 12.07.2021 stands vacated.

(Ahsanuddin Amanullah, J)

J. Alam/-

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