

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21295 of 2015

Arising Out of PS.Case No. -55 Year- 2015 Thana -BARARI District- KATIHAR

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1. Om Prakash Bhagat Son of Late Janardan Bhagat,
 2. Manju Devi, Wife of Om Prakash Bhagat,
 3. Chandan Kumar Bhagat,
 4. Madan Kumar Bhagat @ Madan Kumar Jaiswal, Both sons of Om Prakash Bhagat,
 5. Lalu Bhagat @ Lal Mohan Jaiswal @ Lala Bhagat, Son of Late Kanhai Bhagat,
 6. Bhawesh Mandal, Son of Chamak Lal Mandal,
 7. Santosh Kumar @ Santosh Bhagat, Son of Ram Chander Bhagat, All resident of village- Kabar, Police Station - Barari (Semapur O.P.), District - Katihar.
 8. Sulochana Devi, Wife of Parmanand Choudhary,
 9. Pawan Kumar @ Pawan Kumar Choudhary, Son of Parmanand Choudhary, Both resident of village - Kalikapur, Police Station - Barari (Semapur O.P.), District - Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Adv
For the Opposite Party/s : Mr. Dr. M.K.Gautam(App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

4 19-08-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for the offences punishable under Sections-363, 365, 120(B) of the Indian Penal Code and the fact that the victim Munna Bhagat had dubious past, inasmuch as, he is said to have married twice and had issue from both wives and that whatever materials have



been collected by the police in course of investigation did not make out any specific allegation against any of the petitioners, these petitioners except petitioner no. 3 Chandan Kumar Bhagat, who has already been arrested, cannot be denied the privilege of anticipatory bail only on the ground of suspicion made by the second wife of the alleged victim, Munna Bhagat.

That being so, if the petitioners namely, **Om Prakash Bhagat, Manju Devi, Madan Kumar Bhagat, Lalu Bhagat, Bhawesh Mandal, Santosh Kumar, Sulochana Devi and Pawan Kumar**, surrender within a period of four weeks from today, they would be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of **Chief Judicial Magistrate, Katihar** in connection with **Barari (Semapur) P.S. Case No. 55 of 2015**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-



(i) That the court below shall make verification of criminal antecedent of the petitioners and if it is found that they are accused in any other criminal case, they shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be close relative of the petitioners who will give an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the Court if there is any change in the address of the petitioners.

(iii) That the bailors shall also state on affidavit that they will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of their bail on the ground of misuse.

(iv) That the petitioners will give an undertaking that they will receive the police papers on the given date and be present on the date fixed for charge and if they fail to do so on two given dates and delays the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(v) That the petitioners will be well represented on each and every date of trial and if

they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

