

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49834 of 2015

Arising Out of PS.Case No. -24 Year- 2015 Thana -JURAWNUPUR District- VAISHALI(HAJIPUR)

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1. Kamal Dev Narayan Bhakt @ Kamaldeo Bhagat, S/o Late Nabab Lal Paswan.
 2. Virendra Kumar Bhakt @ Vijendra Bhagat, S/o Kamal Dev Narayan Bhakt.
 3. Pramod Kumar Bhakt @ Keshi Bhagat @ K.C. Bhagat, S/o Kamal Dev Narayan Bhakt,
All are Residents of Village- Paharpur Purvi, PS- Jurawanpur, District- Vaishali at Hajipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan
For the Opposite Party/s : Mr. M. Rab (APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 05-11-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 302 & 34 of the Indian Penal Code and that the specific allegation of assault against the petitioner no.2 and 3 has also been substantiated in the resultant injuries found by the Doctor, this Court is not inclined to grant anticipatory bail to the petitioner nos. 2 & 3, namely, Virendra Kumar Bhakt @ Vijendra Bhagat and Pramod Kumar Bhakt @ Keshi Bhagat @ K.C. Bhagat and, accordingly, their prayer for anticipatory bail is rejected.

As with regard to the allegation against the petitioner no.1, this Court would find that at best he was an order giver. That



being so, when the petitioner no.1 also has got no criminal antecedent, this Court would find him entitled for privilege of anticipatory bail. Thus, if the petitioner no.1, namely, Kamal Dev Narayan Bhakt @ Kamaldeo Bhagat surrender before the court below within a period of four weeks from today, he shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Mukesh Kumar, Judicial Magistrate, 1st Class, Vaishali at Hajipur in connection with (Vaishali) Jurawanpur P.S. Case No. 24 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

- (i) That both the bailors will be a close relative of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the affidavit shall clearly state that the petitioner is not an accused in any other case and if he is, he shall not be released on bail.
- (iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated in any

other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iv) That the petitioner will be well represented on each and every date in course of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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