

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54008 of 2015

Arising Out of PS.Case No. -142 Year- 2015 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Bhajan Bhagat Son of Prayag Bhagat
 2. Kunwar Bhagat @ Kumar Bhagat Son of Kashi Bhagat
 3. Dharmendra Bhagat Son of Fulgain Bhagat
 4. Jitendra Kumar @ Jitendra Bhagat Son of Shiv Bhagat
 5. Laxman Bhagat Son of Prayag Bhagat
 6. Shiv Bhagat Son of Bhulan Bhagat
 7. Bansi Bhagat Son of Bhajan Bhagat
 8. Vilash Bhagat @ Bilas Bhagat Son of Kunwar Bhagat All residents of
Village - Rupnimacha, P.S. - Madhuban, District - Motihari (East
Champaran).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
For the Opposite Party/s : Mr. M. Dayal(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 16-02-2016 After hearing the Counsel for the petitioners, the informant as also Mr. M. Dayal, APP for the State, I am not persuaded to extend the privilege of anticipatory bail to petitioner no. 2 who is said to have assaulted Laxmi Devi on head by means of *farsa*.

His prayer for bail is rejected. He may surrender and seek regular bail.

So far other accused persons are concerned, on perusal of the F.I.R., it appears that there is general and omnibus allegation of destroying the crops, fruits etc which are general in nature as also the fact that they are agnates and locked in land dispute, I am persuaded to extend the privilege of anticipatory bail to the

petitioner nos. 1, 3, 4, 5, 6, 7 and 8.

In the event of arrest or surrender in the Court below within four weeks, the petitioners Bhajan Bhagat, Dharmendra Bhagat, Jitendra Kumar, Laxman Bhagat, Shiv Bhagat, Bansi Bhagat and Vilash Bhagat (petitioner nos. 1, 3, 4, 5, 6, 7 and 8 respectively) are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari in Madhuban P.S. Case No. 142 of 2015 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioners.

(ii) No sooner the charges are framed, the petitioners shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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