

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3521 of 2017

Arising Out of PS.Case No. -301 Year- 2015 Thana -DHAKA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Birodhi Bhagat, son of Yogendra Bhagat,
 2. Pawan Bhagat, son of Birodhi Bhagat,
 3. Rakesh Bhagat, son of Birodhi Bhagat,
 4. Kanti Devi, wife of Birodhi Bhagat,
 5. Kiran Devi, wife of Rakesh Bhagat, All resident of Village- Chandrahiya,
Police Station- Dhaka, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Sri Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 18-03-2017 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out
of Dhaka Police Station Case No. 301 of 2015, disclosing offences
under Sections 147, 148, 149, 448, 323, 341, 324, 307, 354, 504 and
506 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that
there is general and omnibus allegation against the petitioners and no
specific overt act is attributed to them. In fact, the entire case is a
counter version of Dhaka P.S. Case No. 300 of 2015, which is lodged
by petitioner No.5, Kiran Devi, who, out of her sweet will, has
performed marriage to petitioner No.3, Rakesh Bhagat, which was
protested by the informant and others. On this count, only these
petitioners have been made accused to harass them. The petitioners,



who are of clean antecedents, happens to be close relative of informant. Hence, the petitioners deserve the privilege of anticipatory bail.

Learned A.P.P for the State has submitted that there is direct allegation of assault, which caused injury to the informant side, against the petitioner No.3, Rakesh Bhagat.

Considering the facts and circumstances of the case, let petitioner Nos. 1, 2, 4 and 5, namely, Birodhi Bhagat, Pawan Bhagat, Kanti Devi and Kiran Devi, in the event of their arrest or surrender before the Court below within six weeks, 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 learned Sub-Divisional Judicial Magistrate, Sikrahana at Dhaka, East Champaran in connection with Dhaka Police Station Case No. 301 of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

So far petitioner No.3, Rakesh Bhagat, is concerned, having regard to the fact that there is direct allegation of assault, which caused injury to the informant side, this Court is not inclined to grant anticipatory bail to the petitioner no.3. Accordingly, the prayer for anticipatory bail of petitioner No.3 is rejected.

(Arvind Srivastava, J)

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