

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20098 of 2017

Arising Out of PS.Case No. -301 Year- 2016 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

=====

Upendra Bhagat, S/o Late Jhabbu Bhagat, R/o Village Kutubpur Dighra,
P.S.- Bidupur, Distt- Vaishali.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate.

For the Opposite Party/s : Mr. Sri Ahtash Ali Khan, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

4 28-07-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Bidupur P.S. Case No. 301 of 2016, registered under Sections 148, 149, 341, 323, 324, 307, 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act, pending in the court of Chief Judicial Magistrate, Vaishali at Hajipur.

The accusation is that 14 persons named in the F.I.R. including the petitioner, due to grudge and enmity, surrounded the house of the informant variously armed weapon and started to abuse him. When Ashok Kumar, elder son of the informant, entered in the house then all along with second wife of Surendra Bhagat surrounded him. Surendra Bhagat and Harendra Bhagat had gun in



their hand and others were armed with sword, sickle and stick. At that time, Surendra Mahto shot fire causing injury at the chest and abdomen of Ashok Bhagat. On raising alarm, Sangeeta Devi, wife and second son of the informant, came out to the house then they also caused firearm injury at her mouth, chest and head. The accused named in the F.I.R. also threatened the informant and his family of dire consequences if they would come out from the house. Both injured were rushed to the P.M.C.H., Patna, where they declared died.

Learned counsel for the petitioner submits while the petitioner is named in the F.I.R. but no specific overt act has been attributed against him.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner is directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

U		T	
---	--	---	--

