

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42183 of 2018

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1. Harendra Bhagat, S/o Lochan Bhagat,
2. Lalan Kumar S/o Ram Narayan Bhagat @ Raj Narayan Bhagat, Both
R/o Vill.- Devi Rai Tola Chaitya, P.S.- Pakaridayal, District- East
Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Sri Bharat Bhushan

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 25-07-2018

Heard learned counsel for the petitioners and learned

Additional Public Prosecutor for the State.

Petitioners seek bail in connection with Pakaridayal P.S.

Case No. 29 of 2018 registered for offences punishable under sections
147, 148, 149, 323, 324, 504, 506, 379, 307 of the Indian Penal Code
and 3/4 of the Prevention of Damage of Public Property Act.

Allegation as per FIR is that 100-150 persons assembled
when a person died in the hospital and assaulted the Medical Officer
and other staff. Petitioners are not named in the FIR, but later on their
names surfaced during the course of investigation.

Submission of learned counsel for the petitioners is that
there is no specific allegation attributed against these petitioners and
they have no criminal antecedent except one case in which they are on
bail. Similarly situated co-accuseds have already been allowed bail by



one of the co-ordinate Bench of this Court in Cr. Misc. No. 40689 of 2018. The case of these petitioners stands on similar footing and so they deserve to be enlarged on bail.

The learned Additional Public Prosecutor on the other hand opposed the submission.

Considering the facts and circumstances of the case, the prayer for bail of the petitioners is allowed and they are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-V, East Champaran, Motihari in connection with Pakaridayal P.S. Case No. 29 of 2018, subject to the following conditions:-

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court.

(Sanjay Kumar, J)

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