

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19161 of 2019

Arising Out of PS. Case No.-163 Year-2018 Thana- MADHUBAN District- East Champaran

1. MAHANGU BHAGAT Son of Gulam Bhagat Resident of Village- Bhawarua, P.S.- Madhuban, District- East Champaran.
2. Mohan Bhagat Son of Sitaram Bhagat Resident of Village- Bhawarua, P.S.- Madhuban, District- East Champaran.
3. Bhola Bhagat Son of Gulam Bhagat Resident of Village- Bhawarua, P.S.- Madhuban, District- East Champaran.
4. Yogendra Bhagat Son of Chhathu Bhagat Resident of Village- Bhawarua, P.S.- Madhuban, District- East Champaran.
5. Kapildeo Prasad @ Kapil Bhagat Son of Dagar Bhagat Resident of Village- Bhawarua, P.S.- Madhuban, District- East Champaran.
6. Dharmendra Bhagat Son of Late Sukhdeo Prasad Resident of Village- Bhawarua, P.S.- Madhuban, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 29-03-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 341, 323, 324, 307 IPC registered in connection with Madhuban P.S. Case No. 163/2018.

3. It is submitted that the petitioners have been falsely implicated and the FIR is against six named and 200-250 unknown persons. The thrust of accusation is against co-accused Dilip Kumar and no accusation of assault has been made against the petitioners, who are merely said to be members of the mob. Similarly situated co-accused Ajay Kumar and Chandan Kumar have been granted anticipatory bail by this Court in Cr. Misc. No. 71606 of 2018 and Cr. Misc. No. 10803 of



2019 respectively. The petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioners arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-IV, Motihari, District East Champaran, in connection with Madhuban P.S. Case No. 163/2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioners.
- ii. That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioners shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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