

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40041 of 2019

Arising Out of PS. Case No.-40 Year-2019 Thana- DIGHWARA District- Saran

1. GOPAL BHAGAT Son of Late Ram Chandra Bhagat Resident of Rai Patti Dighwara, P.S-Dighwara, District-Saran (Chapra).
2. Krishna Bhagat Son of Madan Bhagat Resident of Rai Patti Dighwara, P.S.-Dighwara, District-Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Kishore Singh

For the Opposite Party/s : Mr.Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 26-08-2019 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, 307,504/34 of the Indian Penal Code registered in connection with Dighwara P.S. Case No. 40/2019.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute and there is case and counter case between the parties in which both sides have sustained injury. The father of the petitioner no. 2 has filed a case for removal of encroachment by the informant's side and in course of an appeal the Circle Officer appeared and stated that the encroachment had been removed (Annexure-2). It is submitted that the injuries of Malti Devi and Soni Kumari who are said to have been assaulted on the head with daab by the petitioners respectively, have been kept reserved. The petitioners claim clean antecedents.



4. Learned APP assisted by learned counsel for the informant appears and has been heard.

5. It is submitted on behalf of the informant that the petitioners are said to have assaulted two ladies on their head, which is vital part of the body. The FIR has been instituted against as many as 16 accused persons and the accusation against these petitioners along with Mohan Bhagat are specific in nature while accusation against other accused persons are general and omnibus in nature.

6. Be that it may, in the event of petitioners arrest or surrender within four weeks hereof let the above named petitioners be released on provisional bail on furnishing bail bond of Rs.10,000/- [ten thousand] each with two sureties of like amount each to the satisfaction of Sri Rakesh Mani Tripathi, learned J.M.Ist Class, Saran at Chapra in connection with Dighwara P.S. Case No. 40/2019 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.

7. The provisional bail granted to the petitioners shall be



confirmed by the learned Court below upon verification within a further period of four weeks after furnishing bail bond, that no grievous injury has been caused to Malti Devi and Soni Kumari. In case grievous injury is found, their bail bonds shall stand automatically cancelled.

(Vikash Jain, J)

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