

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6213 of 2020**

Arising Out of PS. Case No.-334 Year-2014 Thana- BIHTA District- Patna

RABINDRA BHAGAT Son of Late Naresh Bhagat Resident of Village -
Tetriya, P.S.- Paliganj, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sarvan Kumar,Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 10-06-2020 This application has been placed for consideration
by the order of the Hon'ble the Chief Justice through virtual
court proceeding.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Bihta P.S. Case No. 334 of 2014
registered for the offences punishable under Section 302, 379,
147, 149, 341, 342, 323, 504 of Indian Penal Code.

Learned counsel for the petitioner submits that
although the petitioner is named among the seven accused
persons as member of the unlawful assembly but no overt act
has been alleged against him. The main assailant is the co-
accused Dharmendra Bhagat. The petitioner has no criminal



antecedent and he is in custody in connection with this case since 26.09.2019, investigation against him is complete and hence, he may be released on bail.

Learned APP for the State has opposed the prayer for regular bail of the petitioner. It is submitted that as per allegation the petitioner was present at the place of occurrence, however, it is admitted that no overt act has been alleged against him.

Considering the facts and circumstances of the case, wherein the petitioner is named one among the seven accused persons in this case, however no overt act has been alleged against him, he has no criminal antecedent and has remained in custody for about nine months, investigation against him is complete and there is no submission that his release at this stage is in any way likely to adversely affect the course of trial, let the petitioner above named be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st , Danapur, District in connection with Bihta P.S. Case No. 334 of 2014, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with



the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

The application is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Arvind

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

