

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8358 of 2020**

Arising Out of PS. Case No.-18 Year-2019 Thana- BHARGAMA District- Araria

1. Dinesh Bhagat S/o Moti Bhagat Resident of Village- Hingwa Got, Ward No.15, P.S.- Bhargama, Distt- Araria.
2. Ramesh Bhagat S/o Domi Bhagat Resident of Village- Hingwa Got, Ward No.15, P.S.- Bhargama, Distt- Araria.
3. Mahadev Sutihar son of Somi Sutihar Resident of Village- Hingwa Got, Ward No.15, P.S.- Bhargama, Distt- Araria.
4. Lalit Sutihar @ Lalit Kumar Sutihar Son of Mahadev Sutihar Resident of Village- Hingwa Got, Ward No.15, P.S.- Bhargama, Distt- Araria.
5. Sulochana Devi W/o Ramesh Bhagat Resident of Village- Hingwa Got, Ward No.15, P.S.- Bhargama, Distt- Araria.
6. Anil Bhagat S/o Rajendra @ Sadanand Bhagat Resident of Village- Hingwa Got, Ward No.15, P.S.- Bhargama, Distt- Araria.
7. Sunil Bhagat S/o Rajendra Bhagat Resident of Village- Hingwa Got, Ward No.15, P.S.- Bhargama, Distt- Araria.
8. Gajendra Paswan Son of Upendra Paswan Resident of Village- Hingwa Got, Ward No.15, P.S.- Bhargama, Distt- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Anil Prasad Singh  
For the Opposite Party/s : Mr.Uday Chand Prasad

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      28-02-2020      Heard learned counsel for the petitioners and learned APP  
for the State.

Petitioners apprehend their arrest in connection with



Bhargama P.S. Case No. 18 of 2019 instituted for the offence under Section(s) 144, 147,148,149,152,186,342, 323, 325, 307, 353, 467,468,471,332,333,329,337,504 and 506 of the Indian Penal Code.

The allegation against the petitioners, as per the First Information Report, is that the petitioners, along with others, were trying to construct a temple upon a gair mazarua aam land, which was being prevented by the informant and other police persons. It is alleged that 65 named and 400-450 unknown persons assaulted the informant and the police personnel.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case and the allegation against the petitioners are general and omnibus in nature. He further submits that from perusal of the First Information Report, it would be evident that the allegation of assault is upon 65 named accused persons, including the petitioners and 400-450 unknown persons and there is no specific allegation of assault against the petitioners. He has also submits that injury caused to the S.D.O. and a constable are simple in nature and this court has granted anticipatory bail to the similarly situated co-accused persons by order dated 17.08.2019 passed in Cr. Misc. no. 36556 of 2019.



After having heard learned counsel for the parties and taking into consideration the fact that the allegation against the petitioners is general and omnibus in nature and there is no specific allegation against the petitioners and this Court has granted anticipatory bail to the similarly situated co-accused persons, I am inclined to grant the petitioners privilege of anticipatory bail. Accordingly, this application is allowed.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners before the court below, named above, within four (04) weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the CJM Araria, in connection with Bhargama P.S. Case No. 18 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.



(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

shyambihari/-

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