

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7759 of 2020

Arising Out of PS. Case No.-1026 Year-2018 Thana- MOTIPUR District- Muzaffarpur

ARVIND BHAGAT Son of Shankar Bhagat Resident of Village-Mathiya
Morsandi, P.S.-Motipur, District-Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

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

The petitioner apprehends his arrest in a case registered for the offence punishable under Section 307, 323, 341, 379, 447 and 504/34 of the Indian Penal Code and later on Section 302 of the IPC was also added.

Informant has alleged that on 27.11.2018 at 7-8 a.m., accused Shankar Bhagat and his three sons came at his door with Khanti and began to dig the land and when the son of the informant Santosh Kumar protested, all the accused persons abused and assaulted him by means of khanti, as a result of which, his hand got fractured. Thereafter, it is alleged that when the wife of the informant Bindu Devi came, accused Shankar Bhagat ordered to kill her upon which co-accused, Anand



Kumar inflicted khnati blow on her head, as a result of which, she received head injury. Thereafter, informant took them to hospital.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case due to enmity and land disputes. It has further been submitted that there is general and omnibus allegation against the petitioner and there is no specific allegation of any overt act by petitioner. Informant is not the eye-witness. Date of occurrence is 27.11.2018, however, FIR was registered on 14.12.2018. It has further been submitted that similarly, situated co-accused person has been granted bail by a co-ordinate Bench of this Court as contained in Annexure 3. Petitioner has got no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Motipur P.S. Case No.1026 of 2018 subject to the condition as laid down under Section 438(2) of the Cr.P.C



with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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