

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12832 of 2020

Arising Out of PS. Case No.-235 Year-2019 Thana- PHULWARIYA District- Gopalganj

1. Munnilal Bhagat @ Bunilal Bhagat Son of Shri Ram Prasad Bhagat Resident of Village - Selar Khurd, P.S.- Phulwaria, District - Gopalganj.
2. Dinanath Bhagat @ Dina Nath Singh Son of Shri Ram Prasad Bhagat Resident of Village - Selar Khurd, P.S.- Phulwaria, District - Gopalganj.
3. Rajkamal @ Raj Kumar Bhagat @ Rajkarn Bhagat @ Rajkalam Bhagat Son of Shri Ram Prasad Bhagat Resident of Village - Selar Khurd, P.S.- Phulwaria, District - Gopalganj.
4. Jawahar Bhagat Son of Shri Ram Prasad Bhagat Resident of Village - Selar Khurd, P.S.- Phulwaria, District - Gopalganj.
5. Rajinder Kamker @ Rajindra Bhagat Son of Late Jhagaru Kamkar Resident of Village - Selar Khurd, P.S.- Phulwaria, District - Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Om, Advocate
		Mr. Harendra Prasad, Advocate
For the Opposite Party/s	:	Mr. Uma Shankar Pd. Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-06-2020 The matter has been taken up through virtual Court proceeding.

Heard Mr. Om, learned counsel for the petitioners and Mr. Uma Shankar Prasad Singh, learned APP for the State.

The present application has been preferred on behalf of the petitioner for grant of bail in connection with a case registered for the offences punishable under Sections 341,



323, 324, 307 and 504/34 of the Indian Penal Code.

The prosecution case, as per the fardbeyan of Ramprasad Bhagat recorded by S.I., Govind Prasad Yadav on 21.10.2019 at 4.30 P.M. at Emergency Ward, Sadar Hospital, Gopalganj, is to the effect that on the same day at 5.30 in the morning, the informant was at his Rice Mill when his sons co-accused Munni Lal Bhagat, Dinanath Bhagat, Rajkamal Bhagat, Jawahar Bhagat along with one Rajinder Kamker came variously armed and asked the informant as why he has sold the land then informant conveyed that he is suffering from cancer and his wife has paralytic attack, hence, he has sold the land for treatment. Thereafter, petitioner no. 1 Munnilal Bhagat assaulted the informant with sword, petitioner no. 2 Dinanath Bhagat assaulted with lathi, when the younger son of the informant, Yogendra Bhagat came to rescue, petitioner no. 4 Jawahar Bhagat assaulted him with farsa, causing injury on his right leg and he was also being assaulted by petitioner no. 3 Rajkamal Bhagat and petitioner no. 5 Rajinder Kamker.

It is submitted by learned counsel for the petitioners that the accusation has been levelled in the background of land dispute. The injury has been found simple.



The petitioners are languishing in custody since 11.01.2020 and 13.01.2020 and investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP for the State submits that the accusation of assault is specific against the petitioners.

The accusation reflects very sorrow state of affairs where a father, who claimed to have been suffering from cancer, has lodged the FIR against his sons, who claimed to have been suffering from cancer. However, keeping in view the fact that the injury has been found simple, investigation has already been concluded and statement being made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on bail, provisionally, for a period of six months on furnishing one surety to the satisfaction of the learned Additional Chief Judicial Magistrate-IX, Gopalganj in connection with Fulwariya P.S. Case No. 235 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is



ready to become the bailor of the petitioners which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioners will be confirmed by the learned Court below within six months on furnishing bail bond of Rs.10000/- (ten thousand) each with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IX, Gopalganj in connection with Fulwariya P.S. Case No. 235 of 2019.

The local police station will keep watch on the petitioners and will submit report to the learned Court below every month. If the petitioners, in any way, will torture or create trouble to the informant, then the learned Court below will not confirm the provisional bail of the petitioners. If the report comes that the informant is leading a peaceful life without any interference by the petitioners then the provisional bail will be confirmed by the learned Court below. However, if the informant makes complain before the learned Court below or lodges a police report about the unwarranted activities by the petitioners towards the informant then the



learned Court below will be at liberty to cancel the bail bonds of the petitioners.

Let the learned Court below get a copy of this order transmitted to S.H.O. of the concerned police Station.

(Dinesh Kumar Singh, J)

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