

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14660 of 2020

Arising Out of PS. Case No.-410 Year-2014 Thana- BIDUPUR District- Vaishali

VISHAWANATH BHAGAT @ BISHNATH BHAGATA S/o Jadu Bhagat
R/o- Terahrasia (Terasiya), P.S.- Ganga Bridge, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Nityanand Kumar
For the Opposite Party/s :	Mr.Lalan Kumar
	Mr. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 03-07-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Ms. Anita Kumari Singh, the learned APP appearing for the State.

This is an application for grant of anticipatory bail in connection with Bidupur P.S. Case No. 410 of 2014 registered for the offence punishable under Sections 147, 148, 149, 341, 324, 307, 337, 338, 427, 429, 448, 302 of the Indian Penal Code and



Sections 25(1-B)A, 26, 27, 35 of the Arms Act.

The allegation is that 40 to 50 unknown persons and FIR named accused persons had arrived at the house of the informant on 7.12.2014 at 1:00 PM. and had fired gunshots on the members of the prosecution party resulting in them receiving gunshot injury. The informant is also alleged to have been assaulted by the accused persons.

The learned counsel for petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted that the police, after investigation, has submitted a charge-sheet bearing Charge-sheet No. 136 of 2015 dated 20.6.2015 under Sections 147, 448, 149, 341, 324, 307, 337, 338, 427, 429, 448, 302 of the Indian Penal Code and also Sections 25(1-b)A and 26, 27, 35 of the Arms Act, however, the petitioner has not been charge-sheeted, nonetheless, the learned court below has differed and taken cognizance by an order dated



1.7.2015 under the various provisions of the I.P.C. and the Arms Act as against the petitioner as well. It is further submitted that trial of some of the accused persons have also been conducted by the learned court of ADJ-I, Vaishali, bearing Sessions Trial No. 56/2016 and some of the accused persons have already been acquitted by a judgment dated 27.4.2018.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the police had not found the case to be true as against the petitioner herein and moreover, the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail, subject to verification of the fact as to whether the petitioner has or has not been declared a proclaimed offender / absconder by the learned court below. It is needless to state that an anticipatory bail petition is not maintainable in case, an accused



has been declared to be a proclaimed offender / absconder by the learned court below.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur in connection with Bidupur P.S. Case No. 410 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, however, subject to the aforesaid verification to be made by the learned court below.

(Mohit Kumar Shah, J)

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