

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13149 of 2021

Arising Out of PS. Case No.-328 Year-2020 Thana- VAISHALI District- Vaishali

RAMAWATAR BHAGAT Son of Late Suraj Bhagat Resident of Village -
Bhagwanpur Ratti Tola Rampur Rudra, P.S.- Vaishali, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arun Kumar, Adv.
For the Informant	:	Mr. Shashi Bhushan Kumar, Adv.
For the State	:	Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 17-08-2021 In view of sudden resurgence of COVID-19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner, learned counsel for the informant. Learned APP whose name has appeared in this case has not assisted this Court as he has not joined the instant proceedings.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Vaishali PS Case No. 328 of 2020, registered under Sections 147, 148, 149, 341, 323, 324,



427, 504, 506, 307 and 302 of the Indian Penal Code and Section 27 of Arms Act.

The prosecution case is that the instant petitioner exhorted co-accused persons, thereafter co-accused Manish Kumar fired upon Shardanand Bhagat. Co-accused Ram Babu Kumar fired upon the informant. It is alleged that they have been assaulted because they were pursuing the cases, being Sessions Trial No. 210 of 1992 and 28 of 1993 pending against the instant petitioner.

Petitioner's counsel submits that allegation of firearm assault is against two accused persons. Petitioner, at best is the order giver. It is a case of false implication as parties are agnates and are on litigating terms. There is property dispute between them since long.

Learned counsel for the informant submits that in fact instant petitioner is assailant in two cases. He submits that informant was restrained from proceeding further in earlier cases pending against the petitioner. Further submission is that parity has been sought as co-accused Shashi Bhushan Bhagat has been allowed bail by a co-ordinate Bench of this Court in Cr. Misc. No. 5225 of 2021 dated 28.06.2021 but the case of co-accused Shashi Bhushan Bhagat is different from the



petitioner.

Petitioner is stated to be in custody since 02.10.2020.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in Vaishali PS Case No. 328 of 2020, subject to the following conditions:-

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

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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