

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27204 of 2021

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

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ARJUN 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

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 30-11-2021 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 307 and other sections of the Indian Penal Code and section 27 of the Arms Act to which section 302 of the Indian Penal Code was added subsequently.

As per the prosecution case, the eleven named accused persons including the petitioner herein are stated to have come variously armed and of having assaulted the informant and other members of his family leading to death of one Shardanand Bhagat, brother of the informant.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case



because of past disputes between the two families. Further, referring to the F.I.R., it is submitted that specific allegations have been levelled against the other accused persons and not the petitioner herein. The allegations are general and omnibus in nature. The petitioner is in custody since 5.1.2021.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that from the records of the case, it would transpire that even in the past, the accused persons including the petitioner herein have been committing murder of one and the other person of the members of the informant's family for which two session trials are also pending against the petitioner. Learned counsel further submits that the accused persons have regularly been threatening and complaints have been made before the police authorities. There is apprehension that if the petitioner come out further occurrence may take place.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the allegations against the petitioner in the F.I.R. and the period in custody since 5.1.2021, the Court directs the petitioner to be enlarged on bail in connection with Vaishali P.S. Case no.328 of 2020 on



furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur.

It is directed that the petitioner shall cooperate in the trial and in case the trial court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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