

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35019 of 2020**

Arising Out of PS. Case No.-147 Year-2019 Thana- KUCHAIKOTE District- Gopalganj

RAJA BHAGAT, son of LATE GYAN BHAGAT, Resident of Village-  
Bhathwan Parshuram, P.S.- Kuchaikote, District- Gopalganj, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Prashant Kumar  
For the Opposite Party/s : Mr.Akbar Ali

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

3      22-01-2021      Heard learned counsel for the petitioner and learned APP  
for the State.

The petitioner seeks bail in a case registered for the  
offence punishable under Sections 341, 323, 324, 307, 379, 504,  
506, 34 of the Indian Penal Code.

The prosecution case in brief is that as per FIR, on  
25.05.2019 the informant was erecting pillar over his land, in  
the meantime, seven named accused persons variously armed  
and setting in ambush, started abusing them. When the borthor,  
son and other family members of the informant reached there,  
they were attacked on them, in the meantime, the petitioner  
assaulted Dilip Sharma using farsa. Other persons were also  
assaulted by other accused persons. Subsequently, three other  
accused persons came and uprooted his cemented pillars and



iron pipes. The injured persons were taken to the Primary Health Centre and thereafter went to Gorakhpur for better treatment.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. There is land dispute between the parties. The brother of the petitioner had preferred a revision application against the order of S.D.M. in a proceeding initiated by the family of the informant under Section 107 Cr.P.C. which was allowed in his favour. The petitioner is in custody since 06.07.2020 and has got no criminal antecedent.

Learned APP for the State opposes the prayer for bail petition and submits that there is specific allegation against the petitioner and the injury of the victim is grievous in nature.

In the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of the charge** on furnishing bail bond of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each in connection with Kuchaikote P.S. Case No. 147/2019 to the satisfaction of the learned C.J.M., Gopalganj, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother brother, sister and/or his wife.



(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

**(Anjani Kumar Sharan, J)**

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