

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2857 of 2021

Arising Out of PS. Case No.-121 Year-2020 Thana- KEWATI District- Darbhanga

1. SATYENDRA BHAGAT S/O Sri Ganga Bhagat Resident of Maliatol, Police Station - Keuti, District - Darbhanga.
2. VIJAY KANT BHAGAT S/O Sri Jai Narayan Bhagat Resident of Maliatol, Police Station - Keuti, District - Darbhanga.
3. SATYANARAYAN BHAGAT S/O sri Ram lakhan Bhagat Resident of Maliatol, Police Station - Keuti, District - Darbhanga.
4. JITENDRA KUMAR BHAGAT S/o Late Anirudh Bhagat Resident of Maliatol, Police Station - Keuti, District - Darbhanga.
5. MUKESH KUMAR BHAGAT S/O Sri Yogendra Bhagat Resident of Maliatol, Police Station - Keuti, District - Darbhanga.
6. YOGENDRA BHAGAT S/o Late babulal Bhagat Resident of Maliatol, Police Station - Keuti, District - Darbhanga.
7. HUKUMLAL YADAV S/O Sri Jagdish Bhagat Resident of Maliatol, Police Station - Keuti, District - Darbhanga.
8. RAMAN KUMAR BHAGAT S/O Sri Vijay Kant Bhagat Resident of Maliatol, Police Station - Keuti, District - Darbhanga.
9. DEV NARAYAN BHAGAT S/o Sri Lakhan Bhagat Resident of Maliatol, Police Station - Keuti, District - Darbhanga.
10. VISHNUDEO BHAGAT S/o Sri Bindeshwar Bhagat Resident of Mahulitol, Police Station - Keuti, District - Darbhanga.
11. KARAN KUMAR S/O Sri Vishnudeo Bhagat Resident of Mahulitol, Police Station - Keuti, District - Darbhanga.
12. MITHLESH KUMAR BHAGAT S/O Sri Ramrikh Bhagat Resident of Malichak, Police Station - Keuti, District - Darbhanga.
13. RAKESH KUMAR S/O Sri Ramrikh Bhagat Resident of Maliatol, Police Station - Keuti, District - Darbhanga.
14. NARENDRA KUMAR @ NAGENDRA BHAGAT S/o Late Sitaram Bhagat Resident of Maliatol, Police Station - Keuti, District - Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shambhu Sharan Singh- Advocate
For the Informant	:	Mr. Jawed Gaffar Khan- Advocate
For the Opposite Party/s	:	Ms. Nirmala Kumari- A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR



ORAL ORDER

2 23-07-2021 Heard Mr. Shambhu Sharan Singh, the learned Advocate for the petitioners, Mr. Jawed Gaffar Khan, the learned Advocate for the informant and Ms. Nirmala Kumari, the learned APP for the State.

At the outset, the learned Advocate for the petitioners has submitted that petitioner no.2, Vijay Kant Bhagat, petitioner no.3, Satyanarayan Bhagat, petitioner no.5, Mukesh Kumar Bhagat, petitioner no.6, Yogendra Bhagat, petitioner no.7, Hukumlal Yadav and petitioner no.9, Dev Narayan Bhagat have been arrested and therefore their applications be declared to be infructuous.

The application with respect to petitioner nos.2, 3, 5, 6, 7 and 9 is dismissed as having become infructuous.

The petitioner no.1, Satyendra Bhagat, petitioner no.4, Jitendra Kumar Bhagat, petitioner no.8, Raman Kumar Bhagat, petitioner no.10, Vishnudeo Bhagat, petitioner no.11, Karan Kumar, petitioner no.12, Mithlesh Kumar Bhagat, petitioner no.13, Rakesh Kumar and petitioner no.14, Narendra Kumar @ Nagendra Bhagat seek bail in anticipation of their arrest in connection with Keoti P. S. Case No.121 of 2020, instituted for the offences under Sections 147, 149, 341, 323, 295(4), 427, 504, 506 and 505(2) of the Indian Penal Code.



It appears from the F.I.R. that on the exhortation of petitioner nos.10 and 11, an occurrence took place in which many persons participated and caused damaged to the shop of the informant. An attempt also is said to have been made to disturb the communal harmony.

The learned Advocate for the petitioners has submitted that there is a counter-version of the occurrence also which was first in point of time. In the counter-case, most of the accused persons have been released on bail.

It has further been submitted that because of a petty dispute, irresponsible persons from both sides created a situation whereby the communal harmony was disturbed for sometime. However, the implication of the petitioners in this case is only for the reason that they belong to one particular community and are not believed to be sympathetic to the other side.

Regard being had to the nature of accusation against the petitioners, the prayer for anticipatory bail of petitioner no.10 (Vishnudeo Bhagat) and petitioner no.11 (Karan Kumar) is rejected.

However, if the petitioner nos.10 and 11 surrender before the Court below and seek bail, the Court below shall consider the case on its own merits, without being prejudiced by



the fact that the present anticipatory bail application has not been entertained by this Court.

So far as the petitioner no.1, Satyendra Bhagat, petitioner no.4, Jitendra Kumar Bhagat, petitioner no.8, Raman Kumar Bhagat, petitioner no.12, Mithlesh Kumar Bhagat, petitioner no.13, Rakesh Kumar and petitioner no.14, Narendra Kumar @ Nagendra Bhagat are concerned, there is no specific accusation against them and there appears quite force in the argument of learned counsel for the petitioners that they have been made accused unnecessarily.

Considering the afore-stated facts, the petitioner no.1, Satyendra Bhagat, petitioner no.4, Jitendra Kumar Bhagat, petitioner no.8, Raman Kumar Bhagat, petitioner no.12, Mithlesh Kumar Bhagat, petitioner no.13, Rakesh Kumar and petitioner no.14, Narendra Kumar @ Nagendra Bhagat, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Smt. Smita Kumari, learned Judicial Magistrate, 1st Class, Darbhanga in connection with Keoti P. S. Case No.121 of 2020, subject to the



conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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