

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11528 of 2022

Arising Out of PS. Case No.-51 Year-2021 Thana- RAJEPUR District- East Champaran

Kailash Bhagat Son of Shatahu Bhagat, Resident of Village- Madhopur
Fulwariya, P.S.- Rajepur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Prateek Tandon
For the Opposite Party/s	:	Ms. Meena Singh, APP
For the Informant	:	Mr. Ujjawal Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Rajepur P.S. Case No. 51 of 2021 registered for
the alleged offences under Sections 147, 148, 149, 341, 323,
302, 307, 326, 504, 506 and 120(B) of the Indian Penal Code.

As per prosecution case, the informant was told by a
person that her father-in-law was being assaulted by some
persons and on reaching the spot, the informant found the
petitioner and other co-accused persons assaulting her father-in-
law. When the husband of the informant tried to rescue him, he



was also assaulted by the co-accused persons and co-accused Rajendra Bhagat gave a number of knife blows to the husband of the informant. The father-in-law of the informant was taken to the hospital where the doctor declared him brought dead and the husband of the informant had been undergoing treatment.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case due to land dispute and previous enmity. There is no specific allegation of any overt act against the petitioner. So far as this petitioner is concerned, there is general and omnibus allegation against him. Similarly situated co-accused persons, namely Jagarnath Bhagat and Raj Kishore Bhagat have been granted bail by this Court vide order dated 01.08.2022 passed in Criminal Misc. No. 60819 of 2021 and order dated 21.10.2022 passed in Criminal Misc. No. 21.10.2022, respectively. Learned counsel further submits that co-accused Kamal Kishore Bhagat has also been granted bail by a Co-ordinate Bench vide order dated 28.04.2022 passed in Criminal Misc. No. 54253 of 2021 and a number of co-accused persons have been granted anticipatory bail in this case. The petitioner is in custody since 14.08.2021 and charge-sheet has been submitted.

Learned APP for the State as well as learned counsel



appearing on behalf of the informant oppose the prayer for bail. Learned counsel for the informant submits that the petitioner was also involved in murder of the father-in-law of the informant.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no specific over act has been attributed in the allegation against the petitioner in F.I.R. and also considering his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class/concerned court, Motihari, East Champaran in connection with Rajepur P.S. Case No. 51 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail



bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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