

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41496 of 2022

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

Raj Kishore Bhagat @ Raj Kishore Prasad, Son of Late Stahu Bhagat, R/O
Village- Sidhwaliya, P.S.- Rajepur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-10-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), 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 Sessions Trial No. 473 of 2022 arising out of
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 nine
co-accused persons who were 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 not named in the F.I.R. and his name transpired in this case on the basis of confessional statement of co-accused recorded during course of investigation. But even in the confessional statement of co-accused, there is no specific allegation of any overt act. Charge has been framed on 15.06.2022 but not a single witness has been examined till date. Save and except for the confessional statement of co-accused, nothing has come up against the petitioner during investigation. The petitioner is in custody since 22.01.2022. Other co-accused persons have been granted bail by this court as well as other Coordinate Benches. Co-accused Jagarnath Bhagat has been granted bail vide order dated 01.08.2022 passed in Cr. Misc. No. 60819 of 2021 by this court. Another co-accused Kamal Kishore Bhagat has been granted bail vide order dated 28.04.2022 passed in Cr. Misc. No. 54253 of 2021 by a Coordinate Bench. A number of co-accused persons have been granted anticipatory

bail in this case.

Learned APP for the State as well as learned counsel appearing on behalf of the informant oppose the prayer for bail of the petitioner. 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 submission made on behalf of the parties and considering the fact that no specific overt act has been attributed in the allegation against the petitioner in F.I.R. as well as his period of custody and framing of charge against him, 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 21 Additional Sessions Judge, 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 Code of Criminal Procedure and also 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.

Gautam/Daya

(Arun Kumar Jha, J)

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