

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54253 of 2021

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

Kamal Kishore Bhagat Son Of Jagdeo Bhagat Resident Of Village-
Madhopur, Fulwaria, P.S- Rajepur, Dist- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Prateek Tandon, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 28-04-2022 Heard counsel for the parties.

The petitioner is in judicial custody in connection with Rajepur P.S. Case No. 51 of 2021 (Sessions Trial No. 356 of 2021) under sections 147, 148, 149, 341, 323, 302, 326, 504 and 120B of the Indian Penal Code.

As per the informant, she and her husband came to know that her father-in-law is being assaulted by the accused persons including the petitioner herein. As they rushed to the place of occurrence they saw that altogether nine persons named in the First Information Report were assaulting her father-in-law with *iron rod*. When her husband tried to intervene, it is alleged that the accused Rajendra Bhagat gave a knife blow to him causing injury on his head.

In this case, case diary has been received.



As per Mr. Jitendra Kumar Singh, learned APP so far as this petitioner is concerned, omnibus allegation of assaulted has been levelled against him. He was alleged to be part of the accused persons who assaulted the injured Ranjit Bhagat as well as Raghunath Bhagat who later succumbed to the injuries.

Taking into account the facts that omnibus allegation has been levelled against the petitioner as also that he has no criminal antecedent; the charge-sheet has been submitted and he is in jail since 11.4.2022 (as reflects from the order of learned Sessions Judge), this Court is inclined to grant privilege of bail to the petitioner, However, as charges have already been framed, certain conditions are necessary to be imposed so that he shall cooperate in the trial.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari, in connection with Rajepur P.S. Case No. 51 of 202 (S.Tr. No. 356 of 2021) subject to the following conditions:-

(i) the petitioner shall appear on each and every date before the Trial Court and shall cooperate in the trial, failing which the Trial Court shall cancel his bail bonds;



(ii) he shall appear before the concerned police station every fortnight for next six months to mark his presence.

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

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