

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60819 of 2021**

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

Jagarnath Bhagat @ Jagnath Bhagat S/O Ramdeni Bhagat R/O Village-Akra
Sidhwalia, P.S-Rajepur, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

3 01-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

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, 120 (B) of the Indian Penal Code.

As per the prosecution case, the FIR named nine co-accused persons, variously armed, assaulted the husband and father-in-law of the informant causing a number of injuries to them. The father-in-law of the informant succumbed to his injury, whereas the husband of the informant survived. Later on,



this petitioner was named as one of the assailants by the husband of the informant in his statement before the police.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. He was not named in the FIR even though the informant herself claims to be an eye witness. The petitioner is a political worker and he has been falsely roped in this case at the behest of sitting MLA as the petitioner was a worker of co-accused Raj Mangal Prasad, who lost the Assembly election. It is also not believable that the informant did not name the petitioner whereas her husband, after a month of occurrence, named altogether 25 persons to be assailants in this case. It goes on to show that that all the persons have been falsely implicated after deliberation and afterthought. Furthermore, only general and omnibus allegations have been levelled against the petitioner and no specific overt act was alleged against him. The similarly situated co-accused Kamal Kishore Bhagat has been granted bail by a Coordinate Bench of this Court vide order dated 28.04.2022 passed in Cr. Misc. No.54253 of 2021. The charge sheet has been submitted in this case and the petitioner is in custody since 13.08.2021.

Learned APP opposes the prayer for bail submitting that the petitioner and other co-accused persons assaulted the



husband and father-in-law of the informant and the father-in-law of the informant died due to this assault.

Perused the records.

Having regard to the facts and circumstances of the case and the submissions made hereinabove and further considering the fact that the petitioner was not initially named in the FIR and his name came up along with 23 other persons after a month of the occurrence and further considering the submission of charge sheet and the period of custody of the petitioner, he 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 Chief Judicial Magistrate, East Champaran, Motihari, 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.

(Arun Kumar Jha, J)

V.K.Pandey/-

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