

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65380 of 2021

Arising Out of PS. Case No.-328 Year-2020 Thana- VAISHALI District- Vaishali

Lalbabu Bhagat @ Satish Kumar Son of Ram Awatar Bhagat Resident of
Village- Bhagwanpur Ratti, Tola Rampur Rudra, P.S.- Vaishali, District-
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shashi Bhushan, Advocate

For the State : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 31-08-2022 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

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 Vaishali P.S. Case No. 328 of 2020 registered for
the alleged offences under Sections 147, 148, 149, 341, 323, 324,
427, 504, 506 and 307 of the Indian Penal Code and Section 27 of
the Arms Act.

As per the prosecution case, the petitioner and other co-
accused persons altogether 11 in number, variously armed,
assaulted the informant and his brother causing death of the
brother of the informant. The informant also received a gun shot



injury. The petitioner and other co-accused persons threatened the informant to withdraw the murder case against them. The reason for occurrence was stated by the informant that the father and younger brother of the informant were murdered by the accused persons in the year 1991 and the trial has been going on in the matter.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not involved in the alleged occurrence. The allegation against the petitioner and most of the co-accused persons are general and omnibus. The specific allegation is only against the co-accused Ramawtar Bhagat, Manish Kumar and Rambabu kumar who were the order giver and assailants, respectively. There is no specific allegation against this petitioner. There is land dispute between the parties and title suit bearing Title Suit No. 95 of 1987 is still continuing between the parties. The said land is in possession of the petitioner and has been mutated in the name of co-accused Ramawatar Bhagat. The petitioner has got no criminal antecedent. The other co-accused persons have been granted bail by different Co-ordinate Benches of this Court, details of which are as follows:- Shashi Bhushan Bhagat has been granted bail vide order dated 28.06.2021 passed in Cr. Misc. No. 5225 of 2021, Randhir Kumar has been granted



bail vide order dated 29.10.2021 passed in Cr. Misc. No. 32109 of 2021 and Ramawatar Bhagat has also been granted bail vide order dated 17.08.2021 passed in Cr. Misc. No. 13149 of 2021 but the bail of Ramawatar Bhagat was cancelled by the Hon'ble Supreme Court in Cr. Appeal No. 95 of 2022 vide order dated 25.01.2022. The petitioner is in custody since 13.08.2021 and charge-sheet has been submitted.

Learned counsel appearing on behalf of the informant as well as learned APP opposes the prayer for bail submitting that the petitioner and other co-accused persons, making an unlawful assembly, assaulted the informant and the brother of the informant and due to this assault, the brother of the informant lost his life. The bail granted to Ramawatar Bhagat has been cancelled by the Hon'ble Supreme Court after due consideration of the merits of the case. The learned counsel further submits that due to delaying tactics of the petitioner's side, trial has not been concluded so far and in this case also the co-accused whose bail was cancelled has not surrendered before the court till date.

Perused the records.

Having considered the rival submissions and considering the fact that there is no specific allegation against the petitioner and further considering the grant of bail to other similarly situated co-accused persons by different Co-ordinate



Bench along with the clean antecedent of the petitioner whose case is not similar to the co-accused Ramawatar Bhagat whose bail was cancelled, 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Vaishali P.S. Case No. 328 of 2020, 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 Mamta Kumari, wife of the petitioner, who has sworn the affidavit in this case.
- (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)

Rajnish/-

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