

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67225 of 2021**

Arising Out of PS. Case No.-366 Year-2020 Thana- BAHERA District- Darbhanga

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ROSHAN BHAGAT @ RAUSHAN KUMAR BHAGAT S/O LATE VINOD
BHAGAT R/o village- Habibhouar, P.S.- Bahera, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 30-06-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Bahera
P.S. Case No. 366 of 2020 registered for the offence under
Sections 504, 143, 325, 324, 307 and 354 of the Indian Penal
Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.09.2021.

The allegation against the petitioner is of attempt to
commit murder along with other co-accused persons equipped
with knife. The occurrence is founded over land dispute.

Learned counsel appearing on behalf of the petitioner



submitted that there is property dispute between the parties having neighbourhood dispute also. It has further been submitted that complaint has been filed on behalf of the petitioner against the informant. It has further been submitted that it is apparent from the FIR that assault is not repeated, without any intervening circumstances, negating the intention of the petitioner to cause death of the informant/injured, as on medical examination the number of injury also found single, which further suggests that assault was not made repeatedly. It has further been submitted that the petitioner is man of clean antecedent. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that injury report is suggesting that alleged caused by the petitioner is not repeated.

Considering the facts and circumstances as mentioned above, as alleged assault of knife is not repeated without intervening circumstances, negating *prima facie* the intention of petitioner to cause death coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is



directed to be released on bail in connection with Bahera P.S.
Case No. 366 of 2020 on furnishing bail bond of Rs.10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of learned ACJM, Benipur, Darbhanga,
subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Manju Devi, who is the sister of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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