

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68377 of 2021

Arising Out of PS. Case No.-57 Year-2014 Thana- SAKRA District- Muzaffarpur

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BASANT BHAGAT @ BASANT KUMAR Son of Late Maheshwar Bhagat
Resident of Village - Chhajan Sangram, P.S.- Kudhani, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Prasad Singh, Adv

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-05-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

A supplementary affidavit, carrying out necessary correction in the main petition, has been filed on behalf of the petitioner, which is kept on record.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Sections 147, 148, 149, 341, 342, 323, 307, 380,427,435 and 384 of the Indian Penal Code, Sections 10,13,15,16,18 of U.A.P. Act and Section 17 of the C.L.A. Act. .

As per the prosecution case, 30/40 Maoist came to the



project site and took the staff under their custody and torched several vehicles parked at the site and snatched the mobile phone of the staffs.

Learned counsel appearing for the petitioner submits that the petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation. He further submits that nothing incriminating article has been recovered from possession of the petitioner and till date no T.I. Parade has been conducted by the prosecution and similarly situated co-accused persons have already been granted bail by different Coordinate Benches of this Hon'ble Court vide orders at Annexures-2 & 2/1 of the bail petition and police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 12.04.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sakra P. S. Case



No. 57 of 2014 , with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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