

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4108 of 2023

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

1. LALBABU BHAGAT @ LALBABU PRASAD S/o Dular Bhagat R/v-
Madhopur Phulwariya, P.S.- Rajepur, District- East Champaran
2. CHANARDEO BHAGAT @ CHANDAN KUMAR S/o Shankar Bhagat
R/v- Madhopur Phulwariya, P.S.- Rajepur, District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since
14.11.2022 in connection with Rajepur P.S. Case No.51/2021
registered for the offences punishable under Sections 147, 148,
149, 341, 323, 302, 307, 326, 504, 506 and 120(B) of the Indian
Penal Code.

According to prosecution case, all the F.I.R. named
nine accused persons including the petitioners are alleged to
have assaulted the father-in-law of the informant and when the
husband of the informant tried to save his father then at the
instance of co-accused namely Baiju Bhagat, the accused



persons gave several blows of knife on the head of the husband of the informant. Thereafter both the injured were taken to hospital, where the doctor declared the father-in-law of the informant dead.

Learned counsel for the petitioners submits that the petitioner no.1 has carried one criminal antecedent and the petitioner no.2 has clean antecedent and they have falsely been implicated in the present case. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act is attributed against these petitioners rather there is general and omnibus allegation against these petitioners and due to previous admitted land dispute, the petitioners have falsely been implicated in the present occurrence. He further submits that co-accused namely, Baiju Bhagat against whom there is accusation that he caught hold the informant has been granted anticipatory bail by co-ordinate Bench of this Court vide order dated 17.10.2022 passed in Cr. Misc. No. 63268/2021, another co-accused namely, Awadh Kishore Bhagat has been granted anticipatory bail vide order dated 13.12.2022 passed in Cr. Misc. No. 44611/2022 and another co-accused namely, Raj Kishore Prasad has been granted bail vide order dated 21.10.2022 passed in Cr. Misc. No.



41496/2022 and the police after investigation, submitted the charge sheet against the petitioners. The petitioners are in custody since 14.11.2022.

Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners on the ground that the petitioner no.1 has carried one criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner no.1 is on bail in that case.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Miss. Jyoti Chandan, J.M.1st Class, Motihari in connection with Rajepur P.S. Case No.51/2021, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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