

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15788 of 2023

Arising Out of PS. Case No.-95 Year-2022 Thana- PAROO District- Muzaffarpur

Fudeni Bhagat S/O Ramji Bhagat @ Satyanarayan Bhagat R/O Village-
Bahdinpur, P.S- Paroo, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 24-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
02.11.2022, in connection with Paroo P.S. Case No. 95 of 2022,
F.I.R. dated 07.03.2022 registered for the offences punishable
under Sections 302/34 of the Indian Penal Code.

Allegation against the petitioner is that he along with
other co-accused persons having with lathi, dunda, brick and
stone started assaulting due to which the informant's son died.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely 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 attributed against the petitioner rather there is general



and omnibus allegation against all the accused persons including the petitioner. He further submits that it has come during investigation that due to road accident the son of the informant died and the informant has filed a false and fabricated case against the petitioner and his family members and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 02.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one in which he is on bail.

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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Muzaffarpur (West), District-Muzaffarpur in connection with Paroo P.S. Case No. 95 of 2022, subject to 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 absence on two consecutive dates without sufficient



reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, 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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