

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17085 of 2023

Arising Out of PS. Case No.-127 Year-2021 Thana- RAJEPUR District- East Champaran

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HARISHCHANDRA BHAGAT @ HARISHCHANDRA PRASAD S/O
ANUPLAL BHAGAT Resident of village- Kachi Pakri, P.S.- Rajepur,
District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Patanjali Rishi, Advocate
For the Opposite Party/s : Mr.Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-05-2023 Heard the parties.

The petitioner is apprehending arrest in connection with Rajepur P.S. Case No. 127 of 2021 under sections 302, 120(B)/34 of the Indian Penal Code.

As per the prosecution story, when the informant along with his father was going to Muzaffarpur, they were intercepted by some named accused persons as also 10-15 unknown accused persons and thereafter allegation is that his father was assaulted. The informant somehow saved his life and alerted the locals and after 'Panchayati' subsequently took his father home. Later, he was taken to Muzaffarpur for better treatment but he died. Accordingly, the FIR.



Learned counsel for the petitioner submits that 9-10 named accused persons were there. So far as this petitioner is concerned, his named has come amongst 10-15 unknown persons and omnibus allegation of assault is/are there. Further, the father of the informant died in course of treatment and since already nine named accused have been alleged to have beaten the informant's father, this petitioner who does not have any role to play further do not have criminal antecedent, he deserves relief.

Learned APP on the other hand opposes the prayer for anticipatory bail stating that it is a case under section 302 of the IPC in which name of the petitioner has also come in course of investigation.

Taking into account the fact that there is omnibus allegation against nine named accused persons and petitioner is amongst 10-15 unknown persons, he do not have criminal antecedent and will be cooperating with the police in investigation and further will be diligent in attending the trial, this Court is inclined to extend him the privilege of anticipatory bail.

Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the



receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Sadar Motihari or the court in seisin, in connection with Rajepur P.S. Case No. 127 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. alongwith other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty



to take steps for cancellation of his bail bonds.

With the aforesaid observations, the anticipatory
bail application is allowed.

(Rajiv Roy, J)

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