

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27689 of 2023**

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

Deval Bhagat @ Devlal Bhagat @ Devilal Prasad, Son of Late Arjun Bhagat,  
Resident of village - Kashi Pakri, P.S. - Rajepur, District - East Champaran  
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

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

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      07-07-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Rajepur P.S. Case No. 127 of 2021 registered for the offence punishable under Sections 302/120(B)/34 of the Indian Penal Code. He has got no criminal antecedent.

As per the prosecution story, on 24.08.2021 when the informant along with his father Panchu Nat were going to Muzaffarpur and reached near Bandhara Chowk, the FIR named accused persons along with 10-15 unknown persons surrounded them and assaulted his father. They took his father to village Kashipakri. The informant somehow managed to escape and reached the village Kashipakri along with the Panch members to bring back his father. When he went to Muzaffarpur for his



father's medical treatment, his father died due to the injury caused by the accused persons.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that the allegations against this petitioner are general and omnibus in nature. It is further submitted that no specific overt act has been alleged against this petitioner.

Learned APP for the State has opposed the anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, noticing the submissions of learned counsel for the petitioner that the FIR in the present case was not lodged immediately on the date of occurrence, the allegations are general and omnibus against nine FIR named accused persons and 10-15 unknown persons, no specific overt act has been alleged against the petitioner and the FIR named accused who are similarly situated have been granted anticipatory bail by learned co-ordinate Benches of this Court vide orders as contained in Annexure '3 Series', this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner shall be released on bail in connection with



Rajepur P.S. Case No. 127 of 2021 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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.

This application stands allowed.

**(Rajeev Ranjan Prasad, J)**

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