

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28919 of 2023**

Arising Out of PS. Case No.-943 Year-2022 Thana- SONEPUR District- Saran

SHAMBHU BHAGAT Son of Late Bishun Bhagat Resident of Village -  
Jahangirpur, P.S.- Sonepur, District – Saran. ... .. Petitioner/s  
Versus

The State of Bihar ... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Md. Ataul Haque, Advocate  
For the Opposite Party/s : Mr.Mohammad Sufyan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      25-05-2023                      Heard learned counsel for the petitioner and the learned  
A.P.P. for the State.

The petitioner seeks bail, who is in custody since 28.12.2022 in connection with Sonepur P.S. Case No. 943 of 2022, F.I.R. dated 09.12.2022 registered for the offence punishable under Sections 341,323,324,307,379,504,506 and 34 of IPC.

Informant Usha Devi has filed this case against five accused persons including the petitioner alleging that on 22.11.2022 around 6.00 PM when she was at her house, all the accused persons came at her house and started hurling abuses and on protest petitioner caught her hair and dumped her on the earth and started pressing her neck and on cry when her husband came to rescue her, they also assaulted him with Lathi-danda causing head injury to him. Further, accused Ranjit Kumar causing head injury to her by sickle and accused Rahul Kumar snatched golden Mangalsutra from her neck and they threatened her. They treated



at Referral Hospital, Sonapur from where referred to PMCH, Patna.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that from bare perusal of the FIR it appears that the FIR is in three parts. In 1<sup>st</sup> part, there is general and omnibus allegation against all the accused persons, in 2<sup>nd</sup> part, the specific allegation against the petitioner is that he caught hold the informant and pressed her neck and in 3<sup>rd</sup> part, the specific allegation against co-accused person, namely, Ranjit Kumar, is that he assaulted to the informant by means of sickle causing injury on her head. Further submits that the specific allegation of assault is attributed against co-accused, namely, Ranjit Kumar and due to some dispute, the present occurrence had taken place and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 28.12.2022.

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

Considering the aforesaid fact, 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 Chief Judicial Magistrate, Saran at Chapra in connection with Sonapur P.S. Case No. 943 of 2022, 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.

(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 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)**

Nitesh/-

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