

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43528 of 2023

Arising Out of PS. Case No.-40 Year-2023 Thana- SAHAJITPUR District- Saran

1. AMIT KUMAR @ AMIT BHAGAT S/O LATE KANCHAN BHAGAT R/O Village- Pindara, P.S- Sahajitpur, Distt.- Saran at Chapra.
2. Om Prakash Bhagat S/O Late Kanchan Bhagat R/O Village- Pindara, P.S- Sahajitpur, Distt.- Saran at Chapra.
3. Amarnath Kumar @ Amarnath Bhagat S/O Late Kanchan Bhagat R/O Village- Pindara, P.S- Sahajitpur, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shambhu Prasad Yadav, Adv.
For the Opposite Party/s : Mr.Pushpa Sinha, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-08-2023 Heard the parties.

2. Vide order dated 18.07.2023, this application was dismissed as withdrawn in respect of petitioner nos. 1 & 2.

3. Now, this application survives of petitioner no. 3 only.

4. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 354(B), 379, 504, 506, 34 of the Indian Penal Code.

5. Allegedly, all the accused persons including the petitioner came at the house of the informant and started abusing and assaulting her son Raushan Kumar. On instigation of co-accused Chandrawati Devi, accused Amit Bhagat



assaulted the informant with knife as a result of which she became unconscious. Petitioner is said to have outraged the modesty of the informant.

6. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. There is case and counter case between the parties. Both the parties sustained injuries. The injuries sustained by the informant side were found simple in nature, whereas injury sustained by co-accused Amit Kumar was found grievous in nature, which is also mentioned in Para 8 of the bail application. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

7. Learned APP for the State opposed the prayer for bail.

8. Having regard to the facts and circumstances of the case, let the above named petitioner no.3, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with



two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Sahajitpur P.S. Case No. 40 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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