

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44795 of 2022

Arising Out of PS. Case No.-51 Year-2021 Thana- RAJEPUR District- East Champaran

Jagdeo Bhagat Son of Ram Briksh Bhagat Resident of Village - Madhopur
Phulwariya, P.S.- Rajepur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-04-2023 Learned counsel for the petitioner is directed to

remove the defects, if any, as pointed out by the office, within a

period of four weeks from today.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in a case registered for the

offences punishable under Sections 147, 148, 149, 341, 323,

302, 307, 326, 504, 506, 120(B) of the Indian Penal Code.

The prosecution case, in short, is that all the accused

persons including the petitioner assaulted the husband of the

informant and her father-in-law and father-in-law of the

informant died during course of treatment.

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 the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the previous enmity. He further submits that both the parties are agnates and there is land dispute between them. He further submits that there is specific accusation of assault is against co-accused Biju Bhagat and Rajendra Bhagat. So far as petitioner is concerned, there is general and omnibus allegation against the petitioner and the petitioner is not named in the F.I.R. and there is no allegation attributed to the petitioner. He further submits that similarly situated co-accused Kamal Kishore Bhagat has been granted bail by a Coordinate Bench of this Court vide order dated 28.04.2022 passed in Cr. Misc. No. 54253 of 2021, another co-accused jagarnath Bhagat @ Jagnath Bhagat has been granted bail by a Coordinate Bench of this Court vide order dated 01.08.2022 passed in Cr. Misc. No. 60819 of 2021 and another co-accused Awadh Kishore Bhagat has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 13.12.2022 passed in Cr. Misc. No. 44611 of 2022. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 07.01.2022.



Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one in which he is on bail.

Considering the facts and circumstances of the case and the period of custody, 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 Court below where the case is pending in connection with Sessions Trial No. 473 of 2022 arising out of Rajepur P.S. Case No. 51 of 2021, 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 absence on two consecutive dates without sufficient reason, his bail bond 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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