

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50865 of 2023

Arising Out of PS. Case No.-125 Year-2023 Thana- VAISHALI District- Vaishali

1. Vikash Bhagat @ Vikash Kumar Son of Suresh Bhagat R/O-Mansoorpur, P.S.-Vaishali, Distt.-Vaishali
2. Avinash Bhagat @ Avinash Kumar Son of Suresh Bhagat R/O-Mansoorpur, P.S.-Vaishali, Distt.-Vaishali
3. Birendra Bhagat Son of Shiv Nath Bhagat R/O-Mansoorpur, P.S.-Vaishali, Distt.-Vaishali
4. Anil Bhagat @ Anil Kumar Son of Birendra Bhagat R/O-Mansoorpur, P.S.-Vaishali, Distt.-Vaishali

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Vaishali P.S. Case No. 125 of 2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379, 427, 504 and 506 of the Indian Penal Code. They have got no criminal antecedent.

3. As per the prosecution story, at about 09:30 A.M. all the accused persons including these petitioners variously armed came at the house of the informant, abused him and assaulted him. It is alleged that co-accused Manjay Bhagat gave



an iron rod blow on his head as a result of which blood started oozing out. It is further alleged that when the family members of the informant came to rescue him, accused persons assaulted them also.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the allegations are general and omnibus and there is no specific allegation of causing any overt act against these petitioners.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the facts and circumstances of the case wherein there is general and omnibus allegation against the petitioners who are named among the 13 named and 5-7 unnamed accused, no averment has been alleged against the petitioners specifically and the specific allegation is against co-accused Manjay Bhagat who is not before this Court, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named, who have otherwise no criminal antecedent, be released on bail in connection with Vaishali P.S. Case No. 125 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five



Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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