

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55014 of 2022

Arising Out of PS. Case No.-257 Year-2022 Thana- SARAIYA District- Muzaffarpur

Raghu Bhagat @ Raghubir Bhagat, Male, aged about 27 years, S/o Kapil Bhagat R/o village- Gosai Chhapra, P.S.- Saraiya, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-01-2023 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Saraiya P.S. Case No. 257 of 2022 registered for the offence punishable under Section 447, 341, 323, 307, 325, 504/34 of the Indian Penal Code (for brevity 'IPC') but later on Section 302 IPC has also been added.

The prosecution case is that the informant, while he, with his family members were looking after cattle and taking rest at his house, all the accused persons, including petitioner, variously armed with 'lathi', 'danda', sharp weapon and fire arms came to his house and assaulted his father 'Suraj Bhagat' and other family members.

Learned counsel for the petitioner submits that all family members, including the petitioner, have been made accused on extraneous considerations. This fact is evident from the allegation itself because against some of the accused persons there is a specific allegation with reference to the assault perpetrated by them. The specific allegation of assault upon deceased 'Asha Devi' is also against other accused persons. Whereas, petitioner name has been



mentioned with general and omnibus allegation. He has no antecedents and he is in custody since 29.04.2022.

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

Considering the rival submissions, period of custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 the learned A.C.J.M.-IV, Muzaffarpur (West), in connection with Saraiya P.S. Case No. 257/2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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