

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64945 of 2022

Arising Out of PS. Case No.-282 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

=====

RAJU BHAGAT Son of Mithilesh Bhagat @ Mithlesh Bhagat Resident of
Village - Adharpur, P.S. - Samastipur Muffasil, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Advocate
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-03-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 147, 148, 149, 341, 323, 324, 307, 302,
354, 380, 435, 436, 452, 427 of Indian Penal Code.

Allegations against the petitioner and other co-
accused persons is that they entered into the house of informant
and dragged out the informant's mother and brutally assaulted
causing her death and one Anwar who came for rescue, he too
was assaulted by them, causing his death at D.M.C.H.
Darbhanga. The accused petitioners also assaulted the family
members of the informant who came to rescue and setting the
house of the informant on fire.



Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case only on the basis of suspicion. Further submits that it appears from the FIR that there is general and omnibus allegation against all the accused persons including the petitioner. There is no specific allegation of any assault or overt-act against the petitioner and the present case is counter blast of Samastipur Muffasil P.S. Case No.280 of 2021 filed by the family members of the petitioner against the family members of the informant. Further submits that several co-accused persons have been granted bail by this Court vide orders at Annexure-3 series to this bail petition and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 20.05.2022.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, 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 court below where the case is pending in connection with Muffasil (Samastipur) P.S. Case No. 282 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/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/-

U		T	
---	--	---	--

