

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68114 of 2023**

Arising Out of PS. Case No.-154 Year-2023 Thana- MIRGANJ District- Gopalganj

1. HIRALAL SINGH S/O LATE NARAYAN SINGH R/O VILLAGE-CHHAP, P.S- MIRGANJ, DISTT.- GOPALGANJ.
2. MANISH KUMAR S/O NAND KISHOR BHAGAT R/O VILLAGE-CHHAP, P.S- MIRGANJ, DISTT.- GOPALGANJ.
3. PRABHU DAYAL SINGH @ BRABHU BHAGAT S/O BHUTTI BHAGAT @ GUTTI BHAGAT R/O VILLAGE- CHHAP, P.S- MIRGANJ, DISTT.- GOPALGANJ.
4. BALINDRA BHAGAT S/O KANHAIYA BHAGAT R/O VILLAGE-CHHAP, P.S- MIRGANJ, DISTT.- GOPALGANJ.
5. PARDESH KUMAR @ PARDESHI BHAGAT S/O AMARJIT BHAGAT R/O VILLAGE- CHHAP, P.S- MIRGANJ, DISTT.- GOPALGANJ.
6. SHAILENDRA BHAGAT @ SHAILENDRA KUMAR SINGH S/O KANHAIYA BHAGAT R/O VILLAGE- CHHAP, P.S- MIRGANJ, DISTT.- GOPALGANJ.
7. RAVI RANJAN @ RAVI RAJ @ RAVI RAJ KUMAR S/O SHEOJEE PRASAD R/O VILLAGE- CHHAP, P.S- MIRGANJ, DISTT.- GOPALGANJ.
8. NANDJI SINGH @ NANDJI PRASAD SINGH S/O LATE RAMDEO BHAGAT R/O VILLAGE- CHHAP, P.S- MIRGANJ, DISTT.- GOPALGANJ.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Raghav Prasad, Advocate  
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      19-10-2023                      Heard Mr. Raghav Prasad, learned counsel for the  
  
petitioners and Mr. Sunil Kumar Pandey, learned APP for the  
  
State.

2. The petitioners are apprehending their arrest  
  
connection with Mirganj P.S. Case No. 154 of 2023, F.I.R. dated



30.04.2023 registered for the offences punishable under Sections 147, 148, 149, 323, 307, 379, 504, 506 of the Indian Penal Code.

3. Allegation against the petitioners is that they along with other co-accused persons have assaulted the informant and his son by means of iron rod due to which they sustained injured.

4. Learned counsel for the petitioners submits that the petitioner nos. 2 to 7 having clean antecedents whereas petitioner nos. 1 to 8 carry one more case other than the present appertaining to the same set of occurrence and they have been falsely implicated in the present case . Learned counsel for the petitioners further submits that from perusal of the F.I.R. it appears that the F.I.R. is in two parts, in first part, there is general and omnibus allegation against all the accused persons including the petitioners and in the second part, there is specific allegation of assault is against co-accused persons namely Vijay Singh, Dara Singh and petitioner no. 8 that they have assaulted the informant and he has received injury and thereafter other co-accused persons have assaulted the son of the informant namely Suraj Kumar but the injury report of the Suraj Kumar suggests that he has received simple injury but the injury report of the



informant Laxman Prasad suggests that he has received only one injury but the nature of injury is grievous in nature. Learned counsel for the petitioners further submits that from perusal of the F.I.R. it appears that there is general and omnibus allegation against petitioner no. 1 along with two other co-accused persons that they have assaulted the informant and there is no specific allegation of any assault or overt act attributed against any of the petitioners and there is case and counter case between the parties.

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

6. Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XV, Gopalganj in connection with Mirganj P.S. Case No. 154 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, 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.

**(Rajesh Kumar Verma, J)**

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