

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.403 of 2023

Arising Out of PS. Case No.-562 Year-2022 Thana- TURKAULIYA District- East
Champaran

-
1. Umesh Bhagat @ Umesh Kumar, S/o Ramdev Bhagat R/o Village- Chailahan, P.S.- Banjaria, P.O. Chailahan, Distt- East Champaran, Bihar-845401.
 2. Vinod Kumar @ Vinod Bhagat @ Binod Bhagat S/o Rajendra Bhagat R/o Village- Chailahan, P.S.- Banjaria, P.O. Chailahan, Distt- East Champaran, Bihar-845401.
 3. Birendra Bhagat @ Virendra Bhagat S/o Late Sakhichndra Bhagat R/o Village- Chailahan, P.S.- Banjaria, P.O. Chailahan, Distt- East Champaran.
 4. Rajendra Bhagat S/o Sukdev Bhagat R/o Village- Chailahan, P.S.- Banjaria, P.O. Chailahan, Distt- East Champaran, Bihar-845401.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 16-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Turkauliya Banjariya P.S. Case No. 562 of 2022 registered for the offences punishable under Sections 147, 149, 341, 323, 325, 307, 379, 427, 504 and 506 of the Indian Penal Code. They have got no criminal antecedent.

As per the prosecution story, on 12.06.2022 at about 08:00 A.M., the co-sharers of the informant namely, Umesh Bhagat, Munshi Lal Bhagat, Binod Bhagat, Rajendra Bhagat and Ramdeo Bhagat were constructing a projection of two feet over



the land of the informant. When the informant started protesting, they abused and assaulted him and called three more persons namely Pradip Kumar, Subodh Kumar and Dina Bhagat who attacked with iron rods and lathi on the informant. Umesh Bhagat assaulted the informant with an iron rod on his head with an intention to kill him which caused him head injury and bleeding. Pradip Kumar and Subodh Kumar looted Rs.30,000/- from the pocket of the informant on the gun point. They further looted the silver chain of the aunt of the informant who had come to rescue him. They entered in the house of the informant and looted tin boxes having jewellery worth Rs.50,000/- and clothes worth Rs.20,000/-.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is further alleged that there is a case and counter case between the parties and in the counter case, the informant side has already been granted bail.

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

Having regard to the facts and circumstances of the case, there being a case and counter case between the parties who are co-villagers and close-door neighbours and fought on a construction being made by the co-sharer, the nature of the injury



being simple and in the counter case, the informant-side has already been granted bail, this Court directs release of the petitioners above named on bail in the event of their arrest or surrender within a period of four weeks from today in connection with Turkauliya Banjariya P.S. Case No. 562 of 2022 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, East Champaran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

lekhi/-

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

