

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 5128 of 2024

Arising Out of PS. Case No.-895 Year-2023 Thana- TURKAULIYA District- East
Champaran

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1. Vikash Bhagat @ Vikash Kumar S/O LATGE RAMCHANDRA BHAGAT @ RAMCHANDRA PRASAD VILLAGE- MAJURAHA, PS. RAGHUNATHPUR, DIST. EAST CHAMPARAN.
 2. MUKESH BHAGAT S/O LATE RAMCHANDRA BHAGAT @ RAMCHANDRA PRASAD VILLAGE- MAJURAHA, PS. RAGHUNATHPUR, DIST. EAST CHAMPARAN.
 3. ARJUN BHAGAT S/O RAMDEO BHAGAT VILLAGE- MAJURAHA, PS. RAGHUNATHPUR, DIST. EAST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rashmi Jha, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-02-2024 Heard Mrs. Rashmi Jha, learned counsel for the
petitioners and the State.

2. The petitioners are apprehending their arrest in connection with Turkauliya (Raghunathpur) P.S. Case No. 895 of 2023 for the offence under sections 341, 323, 325, 307, 504, 354, 379, 34 of the I.P.C. lodged on 16.08.2023 by the informant, Arun Kumar Singh.

3. As per the prosecution story, the informant has alleged that on the cutting of a tree (Neem), there was scuffle, the informant protested whereafter the allegation is that



petitioner no. 2, gave 'khanti' blow to the informant on his head causing injury. Thereafter, the brother of the informant came to his rescue, then the allegation is that the petitioner nos. 1 and 3 gave 'tangi' blow. Subsequently, the other accused persons also tried to assault the informant's family member. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that so far as the petitioner nos. 1 and 3 are concerned, the injuries on the informant's brother have been found to be simple in nature. Further, the submission is that both the petitioner nos. 1 and 3 do not have criminal antecedent.

5. Learned APP opposes the prayer stating that with common intention, they have assaulted the informant and his family members.

6. Taking into account the allegation that has come against the petitioner no. 2, Mukesh Bhagat that he gave 'khanti' blow to the informant on his head and the opinion has been reserved regarding the injury sustained by the informant and his father, his anticipatory bail application stands rejected.

7. So far as the petitioner nos. 1 and 3 namely, Vikash Bhagat and Arjun Bhagat are concerned, as per the learned counsel for the petitioners and the injury report annexed with



the petition, the same has been found to be simple in nature, they do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

8. Let the petitioner nos. 1 and 3 namely, Vikash Bhagat and Arjun Bhagat be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, East Champaran, in connection with Turkauliya (Raghunathpur) P.S. Case No. 895 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioner nos. 1 and 3 shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioner nos. 1 and 3 shall appear before the concerned police station every fortnight for next six months to mark their attendance;



(iv) the petitioner nos. 1 and 3 shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner nos. 1 and 3 shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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