

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4705 of 2024

Arising Out of PS. Case No.-265 Year-2021 Thana- VIJAYEPUR District- Gopalganj

Shriram Bhagat Son Of Sharda Bhagat R/O-Koreya, P.S.-Vijaipur, Distt.-
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 7478 of 2024

Arising Out of PS. Case No.-265 Year-2021 Thana- VIJAYEPUR District- Gopalganj

Jitendra Paswan S/O- Ramdhani Paswan @ Ramdhani Manjhi R/O- Village-
Chhitauna, P.S.- Vijaipur, Dist.- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR , PATNA

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 4705 of 2024)

For the Petitioner/s : Mr.Pankaj Kumar Dubey, Advocate

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

For the Informant : Mr. Satyendra Rai, Advocate

(In CRIMINAL MISCELLANEOUS No. 7478 of 2024)

For the Petitioner/s : Mr.Manju Sharma, Advocate

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

For the Informant : Mr. Satyendra Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 19-04-2024 Heard learned counsel for the petitioners, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioners seek regular bail in connection with
Vijaipur P.S. Case No. 265 of 2021 lodged on 03.12.2021 under
Sections 147, 148, 149, 341, 323, 324, 326, 307 and 302 of the
Indian Penal Code.



3. As per the prosecution case, the FIR has been lodged against 19 named accused persons including the present petitioners. It is alleged that all the accused persons were plowing the field of the informant. On protest being made, all the accused persons variously armed attacked the informant and his family members. It is specifically alleged that petitioner on the instigation of the petitioner Jitendra Paswan (in Criminal Miscellaneous No.7478 of 2024), all the accused persons variously armed started assaulting the the family members of the informant. It is specifically alleged against the petitioner Shriram Bhagat (in Criminal Miscellaneous No. 4705/2024) that the petitioner Sriram Bhagar and Sujeet Bhagat caught Sintu Pandey whereupon co-accused Prabhu Kharwar @ Bambai Jan started inflicting knife blow indiscriminately, as a result of which Sintu Pandey failed on the ground after getting injured.

4. Learned counsel for the petitioner Jitendra Paswan (in Criminal Miscellaneous No.7478 of 2024) submits that the petitioner is innocent and has committed no offence. As per the FIR, the petitioner is only an order giver and there is no specific allegation against him. Moreover, the accusation has been levelled in the background of the land dispute. The petitioner is in custody since 26.09.2023 and is accused in 11



more criminal cases, but in all the cases, he has been granted bail.

5. Learned counsel for the petitioner Sri Ram Bhagat (in Criminal Miscellaneous No.4705 of 2024) submits that the petitioner is innocent and has committed no offence. The petitioner is in custody since 27.09.2023 having clean antecedent.

6. It is jointly submitted that co-accused, Rakesh Yadav, has been granted bail by this Hon'ble Court vide order dated 19.09.2022 passed in Criminal Miscellaneous No. 35148 of 2022 while other co-accused persons have been granted bail by different co-ordinate Benches of this Court vide orders dated 01.08.2023 and 09.11.2023 passed in Criminal Miscellaneous No. 46492 of 2023 and Criminal Miscellaneous No.72850 of 2023.

7. Learned counsel for the State opposes the prayer for bail of the petitioners.

8. Learned counsel for the informant vehemently opposes the prayer for bail of both the petitioners and submits that the accusation is specific against the petitioners in the FIR. The petitioner Jitendra Paswan in Criminal Miscellaneous No.



7478 of 2024 is accused in 12 more criminal cases.

9. In the present facts and circumstances of this case and the submissions made above, let the petitioner Jitendra Paswan in Criminal Miscellaneous No. 7478 of 2024 be released on bail, **but after six month from today**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of ACJM-XIV, Gopalganj in connection with Vijaipur P.S. Case No. 265 of 2021, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailors should be the family member of the petitioners who shall provide an official document to show his *bona fide*;

(ii) the petitioners 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 his bail bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioners shall in no way try to induce or



promise or threaten the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

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

10. So far as the petitioner Shriram Bhagar in Criminal Miscellaneous No. 4705 of 2024 is concerned, considering the nature of the allegation levelled against him, this Court is not inclined to enlarge him on bail. Accordingly, the prayer for bail of petitioner Shriram Bhagar in Criminal Miscellaneous No. 4705 of 2024 in connection with Vijaipur P.S. Case No. 265 of 2021, pending before the learned ACJM-XIV, Gopalganj is hereby rejected.

(Dr. Anshuman, J)

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