

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6817 of 2024

Arising Out of PS. Case No.-227 Year-2023 Thana- AURAI District- Muzaffarpur

Vishandev Bhagat @ Vishundev Bhagat S/o- Late Asharfi Bhagat, village-
Rampur PS- Aurai, Dist- Muzaffarpur A/P- Vill- Balbhadrapur, PS- Aurai,
Dist- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-02-2024 Heard Mr. Chandra Shekhar Anand, the learned
counsel for the petitioner and Mr. Ram Sevak Choudhary, the
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Aurai PS Case No. 227 of 2023, FIR dated
24.09.2023, registered for the offences punishable under
Sections 341, 323, 324, 325, 307, 147, 149, 504 and 506 of the
Indian Penal Code.

3. According to prosecution case, the co-accused
persons along with the petitioner variously armed with *lathi*,
danda, *iron-rod* and sharp cutting weapon assaulted the
informant due to which he sustained cut injury over his head. It
is further alleged that the accused persons also assaulted the
family members of the informant.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that due to admitted land dispute the present occurrence has taken place and there is no specific allegation of any assault or overt act attributed against the petitioner, rather there are general and omnibus allegations attributed against all the accused persons including the petitioner and there is case and counter case between the parties.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and there is no specific allegation of any assault or overt act attributed against the petitioner, let the petitioner, above-named, in the event of his arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class (East), Muzaffarpur, where the case is pending in connection with **Aurai PS Case No. 227 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and



also the following conditions:

(i). 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii). 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.

(iii). 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)

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