

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16307 of 2024**

Arising Out of PS. Case No.-173 Year-2023 Thana- VIDYAPATINAGAR District-  
Samastipur

=====

Kailash Bhagat, Male, aged about 64 years, Son of Ramnandan Bhagat @  
Late Nand Bhagat, Resident of village- Gopalpur Balkrishanpur Marwa, P.S.-  
Vidyapati Nagar, District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

**Appearance :**

|                    |   |                            |
|--------------------|---|----------------------------|
| For the Petitioner | : | Mr. Amit Kumar, Advocate   |
| For the State      | : | Mrs. Sharda Kumari, A.P.P. |

=====

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH  
SINGH**

ORAL ORDER

4      28-06-2024                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Vidyapati Nagar P.S. Case No. 173 of 2023 dated 30.09.2023 registered for the offences punishable under Sections 341, 307/34 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, all the accused persons including the petitioner having lathi, sword and illegal arms chased the informant's son and started abusing. The co-accused Raushan Kumar, Amritesh Kumar @ Pappu Kumar and Nilesh Kumar having pistol in their hands with an intention to kill,



fired five rounds on the informant's son, due to that, one pellet hit on his son in the chilly field of one Birendra Singh and he fell down and thereafter he was treated in D.M.C.H., Darbhanga. It is further alleged that the petitioner alongwith other co-accused persons was also firing on the informant's son.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. No incriminating article has been recovered from possession of the petitioner. It is further submitted that one of the co-accused Amritesh Kumar @ Pappu who is the son of the petitioner had lodged Vidyapati Nagar P.S. Case No. 181 of 2022 against Sunil Mahto who is cousin of the informant of the present case and other persons. It is further submitted that the petitioner also gave representation to the D.G.P., Bihar, Patna, I.G., S.P. and the S.D.O. There is no specific allegation of firing on the informant's son against the petitioner rather it is alleged against the co-accused Raushan Kumar, Amritesh Kumar @ Pappu Kumar and Nilesh Kumar. The other co-accused persons Om Prakash Bhagat, Raushan Kumar and Sonu Kumar have already been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 16962 of 2024 under order dated 02.04.2024. The petitioner has one criminal antecedent as stated in



paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Dalsingsarai, Samastipur in connection with Vidyapati Nagar P.S. Case No. 173 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

**(Chandra Prakash Singh, J)**

U.K./-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

