

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12961 of 2024

Arising Out of PS. Case No.-422 Year-2023 Thana- RAGHOPUR District- Supaul

1. Ashok Kumar Bhagat @ Ashok Bhagat S/O Late Saryug Prasad Bhagat R/O Village- Simrahi, Ward No. 7, P.S- Raghapur, Distt.- Supaul.
2. Kumar Rakesh Ranjan Bhagat @ Rakesh Raushan @ Pintu Bhagat S/O Ashok Kumar Bhagat @ Ashok Bhagat R/O Village- Simrahi, Ward No. 7, P.S- Raghapur, Distt.- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrit Abhijat, Adv.

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 11-03-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Raghapur P.S. Case No. 422 of 2023 dated 10.11.2023 registered for the offences punishable u/ss 353, 341, 323, 504, 506 read with section 34 of the Indian Penal Code.

3. As per the prosecution case, on secret information, the petitioners were playing gambling in their house, police raided the house then the petitioners and the co-accused person started scuffling and abusing with the police personnel and they also protested search of the house. In the premises, one *Thela* was standing on which the materials of breakfast were kept. It is



further stated that from the conduct of the accused persons it appears that they got the gamblers fled from the back side of his house. It was also stated by the petitioner Ashok Bhagat that he would continue to do gambling and also invite others for gambling and no one can stop him from doing so. The accused persons also caused hindrance in discharge of the official duties of the police personnel.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. There is general and omnibus allegation against the petitioners. No incriminating article has been recovered from the possession of the petitioners. It is further submitted that the petitioners have no concern with the alleged offence. The petitioner no. 1 has no criminal antecedent whereas the petitioner no. 2 has one criminal antecedent in which he is on bail as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioners, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be



enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Birpur, Supaul in connection with Raghopur P.S. Case No. 422 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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