

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31456 of 2024

Arising Out of PS. Case No.-280 Year-2022 Thana- GOVINDGANJ District- East
Champaran

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1. Sumit Bhagat @ Sumit Kumar Son Of Mankeshwar Bhagat Resident Of Village - Jhakhara, P.S- Govindganj, Dist- East Champaran , Motihari
 2. Kushum Devi Wife Of Mankeshwar Bhagat Resident Of Village - Jhakhara, P.S- Govindganj, Dist- East Champaran , Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 06-12-2024 Heard Mr. Sharda Nand Mishra, learned counsel for the
petitioners and Mr. Anil Kumar, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Govindganj P.S. Case No. 280 of 2022, F.I.R. dated 08.06.2022 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 341, 447, 379 of the Indian Penal Code.

3. Allegation against the petitioners is that they along with other co-accused persons came to the house of the informant and assaulted the informant. It is further alleged that accused Sumit Bhagat assaulted the informant with spade due to which he sustained head injury.

4. Learned counsel for the petitioners submits that the



petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that although the petitioners are named in the F.I.R. but from perusal of the F.I.R. it appears that there is no specific allegation of assault or overt act attributed against these petitioners rather there is general and omnibus allegation against the petitioner no. 2 and the allegation against the petitioner no. 1 that he assaulted to the informant.

5. Learned counsel for the petitioners further submits that the police after investigation submitted chargesheet no. 66 of 2023 dated 29.07.2023 against all the accused persons and not sent up for trial to the petitioners and other co-accused persons but the learned Court below differing from the final form and has taken cognizance against the petitioners vide order dated 02.08.2023.

6. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

7. Considering the aforesaid facts and circumstances of the case and the fact that the petitioners having clean antecedents and the police has submitted final form in favour of the petitioners and the learned Court below has taken cognizance against the petitioners, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, East Champaran, Motihari in connection with Govindganj P.S. Case No. 280 of 20202, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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