

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26748 of 2024

Arising Out of PS. Case No.-154 Year-2023 Thana- BIDUPUR District- Vaishali

1. Shiv Chandra Bhagat S/o Ram gyan Bhagat R/o Village- Kutubpur Dighra, Kutubpur Saidpur, P.S.- Bidupur, District- Vaishali
2. Ramu @ Shambhu Bhagat S/o Dev Bhagat R/o Village- Kutubpur Dighra, Kutubpur Saidpur, P.S.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Rina Sinha, Adv. Mr. Dharendra Prasad Sinha, Adv.
For the Opposite Party/s	:	Mr. Uma Shankar Prasad Singh, APP
For the Informant	:	Mr. Rajeev Ranjan, Adv.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the informant.

2. The petitioners apprehend arrest in connection with Bidupur P.S. Case No. 154 of 2023, instituted for the offence punishable under Sections 341, 447, 323, 307, 379, 354, 504, 506/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on the date of occurrence when the informant was watering the new construction pillar of the building, Ramu @ Shambhu Bhagat, Shiv Chandra Bhagat, Dev Bhagat & 10-12 unknown persons armed with deadly weapons reached there and started abusing. In the meanwhile, petitioner no. 2 Ramu @ Shambhu Bhagat



assaulted him by means of iron rod due to which he sustained head injury. Petitioner no. 1 Shiv Chandra Bhagat inflicted injury with *hasua* and as the informant tried to stop with hand, he sustained injury on left hand. When his mother & father tried to rescue him, they were also assaulted by them.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that petitioner no. 2 assaulted the informant by means of iron rod on the head of the informant and petitioner no. 1 inflicted injury with *hasua* and as the informant tried to stop it with his left hand he sustained injury. It is submitted that injury report of the informant shows one lacerated wound on occipital region i.e. $\frac{1}{2}$ " x $\frac{1}{4}$ ". The nature of injury is simple. It is submitted that there is no other injury mentioned in the injury report. There is case and counter case between the parties. It is submitted that mother of petitioner no. 1 has also lodged F.I.R. against the informant and others *vide* Bidupur P.S. Case No. 161 of 2023. It is further submitted that both the sides are agnates. Lastly, it has been submitted that they have no criminal antecedent.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.



6. Learned counsel for the informant vehemently opposed the prayer for bail of the petitioners. It is submitted that petitioner no. 2 assaulted the informant on the vital part of the body. Though injury report shows that nature of injury is simple in nature but in view of the allegation that he assaulted on the head, he does not deserve bail.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Bidupur P.S. Case No. 154 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Vaishali at Hajipur, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the 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 on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or their wife.



3. The bailor shall also state on affidavit that he/she will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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