

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43470 of 2024

Arising Out of PS. Case No.-37 Year-2024 Thana- KASMA District- Aurangabad

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1. Kapil Bhagat @ Kapildeo Bhagat aged about 60 years (male), son of Late Bharat Bhagat
 2. Nilu Devi aged about 32 years (female), wife of Ramdhyan Bhagat,
 3. Sunita Devi aged about 20 years (female), wife of Amarjeet Pal,
Above all are resident of village- Naraich, P.S.- Kasma, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal, Advocate
For the Opposite Party/s : Mr. Anant Kumar 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-07-2024 Heard Mr. Aman Vishal, learned counsel appearing on behalf of the petitioners and Mr. Anant Kumar 1, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Kasma P.S. Case No. 37 of 2024, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 427, 353, 354, 504, 506, 153A and 120B of the Indian Penal Code.

3. As per the allegation made in the FIR, 59 named accused persons and 56 to 60 unknown accused persons including the petitioner, had pelted stone and brick over the police personnel and had obstructed them from performing



public duty.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioners are innocent and have falsely been implicated in the present case on the basis of suspicion being residents of same village. General and omnibus allegation has been levelled against the petitioners and no specific overt act has been alleged against them. Petitioners have clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR, as well as, the fact that general and omnibus allegation has been levelled against the petitioners and no specific overt act has been alleged against them. Petitioners have clean antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad (Bihar), in connection with Kasma P.S. Case No. 37 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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