

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60489 of 2024

Arising Out of PS. Case No.-807 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

1. Shivnath Bhagat Son Of Late Sabji Bhagat Village- Hariharpur, Po- Rajauli, Ps- Hajipur, Dist- Vaishali
2. Amarnath Bhagat Son Of Late Sabji Bhagat Village- Hariharpur, Po- Rajauli, Ps- Hajipur, Dist- Vaishali
3. Nitesh Kumar Son Of Amarnath Bhagat Village- Hariharpur, Po- Rajauli, Ps- Hajipur, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar George, Advocate
For the State	:	Mr. Shantanu Kumar, APP
For the Informant	:	Mr. Akash Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-09-2024 Heard Mr. Jitendra Kumar George, learned counsel

for the petitioners, Mr. Akash Kumar Mishra, learned counsel

for the informant and Mr. Shantanu Kumar, learned Additional

Public Prosecutor for the State.

2. After some arguments, learned counsel for the
petitioners seek permission to withdraw this application with
respect to petitioner no.3, namely, Nitesh Kumar.

3. Permission is accorded.

4. Accordingly, the present anticipatory bail
application is dismissed as withdraw with respect to petitioner
no.3.

5. The petitioners (except petitioner no.3) are



apprehending their arrest in connection with Hajipur Sadar P.S. Case No. 807 of 2023, F.I.R. dated 27.10.2023 for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 354 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was also added.

6. According to prosecution case, all the accused persons including the petitioners have assaulted the informant and his family members due to which they received injuries.

7. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that from a bare perusal of the FIR it appears that the petitioner no.1, namely, Shivnath Bhagat is the order giver and there is no specific allegation of assault is attributed against the petitioner no.2, namely, Amarnath Bhagat and the specific allegation is against the co-accused person, namely, Nitesh Kumar and other co-accused persons. He further submits that the co-accused person, namely, Bipin Kumar has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 30.08.2024 passed in Cr. Misc. No. 32236 of 2024 and co-accused person, namely, Amit Kmar @ Amit Raj has also been granted bail by a co-ordinate Bench of



this Court vide order 18.07.2024 passed in Cr. Misc. No. 41300 of 2024.

8. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioners and submit that petitioner no.1, namely, Shivnath Bhagat is the order giver and on his instance, the occurrence has taken place.

9. Considering the aforesaid facts, the petitioners having clean antecedent, there is no specific allegation of assault or overt act is attributed against the petitioners and co-accused persons have already been granted bail by the co-ordinate Bench of this Court, let the petitioners (except petitioner no.3), above named, in the event of 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 bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned I/C Chief Judicial Magistrate, Hajipur, Vaishali in connection with Hajipur Sadar P.S. Case No. 807 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-



i. Petitioners (except petitioner no.3) 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioners (except petitioner no.3) tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners (except petitioner no.3) and in case at any stage it is found that the petitioners (except petitioner no.3) have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners (except petitioner no.3). 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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