

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58609 of 2023

Arising Out of PS. Case No.-424 Year-2021 Thana- PAROO District- Muzaffarpur

Binod Kumar @ Binod Bhagat Son of Late Krishnadeo Bhagat @ Kisani
Bhagat R/o Jalilnagar, P.S. - Paroo, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brahmaputra Singh Ishu, Advocate
Ms. Poonam Kumari, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-10-2024 Heard Mr. Brahmaputra Singh Ishu, learned
counsel for the petitioner and Mr. Murli Dhar, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Paroo P.S. Case No. 424 of 2021, F.I.R. dated
29.10.2021 for the offences punishable under Sections 341, 323,
302, 379, 504, 506/34 of the Indian Penal Code.

3. According to prosecution case, all the accused
persons including this petitioner have assaulted the informant's
wife and other family members where the wife of the informant
died during course of treatment.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the



present case. He further submits that as per the allegation in the F.I.R, the petitioner has abused the deceased and other accused persons have assaulted her due to which she fell down and died. He further submits that due to admitted land dispute between the parties the present occurrence has taken place. He further submits that one title suit bearing Partition Suit No. 16 of 2004 was decided in favour of the petitioner due to which the petitioner has been falsely implicated in the present case. He further submits that the similarly situated co-accused, namely, Soni Devi who happens to be wife of the petitioner has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 04.08.2023 passed in Cr. Misc. No. 40126 of 2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R and apart from that the petitioner carries two criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in both the pending matter.

6. Considering the aforesaid facts and circumstances that the co-accused person has been granted anticipatory bail by



a Co-ordinate Bench of this Court, let the petitioner, 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 bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, (West) Muzaffarpur in connection with Paroo P.S. Case No. 424 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner 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 petitioner tampers 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. 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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