

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62361 of 2023**

Arising Out of PS. Case No.-115 Year-2023 Thana- DEWARIA District- Muzaffarpur

1. Mahendra Bhagat (Male) Aged 48 years,
 2. Surendra Bhagat (Male) Aged 31 years,
 3. Madan Bhagat (Male) Aged 34 years,
 4. Jitendra Bhagat (Male) Aged 42 years
- All are son of Jailal Bhagat, Resident of Village- Bandi, P.S.- Deoria,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Kumar, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

4 29-02-2024 Heard Mr. Rajiv Kumar, learned counsel appearing
on behalf of the petitioners and Mr. Jharkhandi Upadhyay,
learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Deoria P.S. Case No. 115 of 2023 registered for the offence
punishable under Sections 147, 148, 149, 188, 332, 333, 323,
324, 307, 290, 291, 353, 504 and 120(B) of the Indian Penal
Code.

3. As per the allegation made in the FIR lodged by
Sub-Inspector on the basis of complaint made by the victim,
who has alleged that her in-laws have kicked her out from her



matrimonial house as she had objected her in-laws not to engage in illegal trade of liquor. Upon information, the informant, who is police officer, had visited the spot and had tried to resolve the dispute amicably but allegation against the petitioners and other accused persons is that of misbehaving with the police force and had caused hindrance in performance of official duty. FIR is against fourteen named accused and five unknown accused persons. Petitioners are named in the FIR.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners had neither misbehaved with the police force neither they had created hindrance in performance of official duty nor the petitioners are not connected in any manner with the victim or with the affair of the named accused Jyotish Kumar, who is the husband of the victim. Petitioners, at the best, can be held to be member of the mob and general and omnibus allegation has been levelled against them. In the case diary also there is minuscule evidence against the petitioners. On these grounds, petitioners seek 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 against the petitioners, as well as, in the case diary, there is minuscule evidence against the petitioners, 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 J.M. 1st Class, Court No. 1 (West) Muzaffarpur, in connection with Deoria P.S. Case No. 115 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. 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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