

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65567 of 2024

Arising Out of PS. Case No.-134 Year-2019 Thana- GHORASAHAN District- East
Champaran

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Bhagynarain @ Bhagynarain Yadav @ Bhagynarain Ray Son of Nagina Rai
@ Bhagin Rai Resident of Village - Ghoghiya Bhatu Tola, P.S. - Jitna, District
- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-10-2024 Heard Mr. Abhishek Kumar, the learned counsel

for the petitioner and Mr. Bhanu Pratap, the learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Ghorasahan (Jitna) PS Case No. 134 of 2019,

FIR dated 18.04.2019, registered for the offences punishable

under Sections 341, 323, 324, 307 and 353 read with Section 34

of the Indian Penal Code.

3. According to the prosecution case, during

patrolling police apprehended one person while another

managed to flee and thereafter, the fleeing person came back

with fifteen to seventeen persons, variously armed, and

obstructed the discharging of official duty and also tried to make

free the apprehended person and due to this one constable



sustained injury.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that upon perusal of the FIR, it appears that altogether fifteen to seventeen persons have assaulted to the informant and other persons and there is no specific allegation of any assault or overt act attributed against the petitioner. He lastly submits that a co-accused person namely, Vinoj Kumar @ Diloj Kumar has been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 12.09.2022 passed in Cr. Misc. No. 15473 of 2022.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner is named in the FIR, apart from that, petitioner carries one criminal antecedent other than the present one, however, he fairly submits that petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances and mainly the facts that there is no specific allegation of any assault or overt act attributed against the petitioner and similarly



situated co-accused person has been granted the privilege of anticipatory bail, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 3rd Additional Chief Judicial Magistrate, East Champaran at Motihari, where the case is pending in connection with **Ghorasahan (Jitna) PS Case No. 134 of 2019**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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