

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65756 of 2024

Arising Out of PS. Case No.-95 Year-2022 Thana- PAROO District- Muzaffarpur

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Brahamdeo Bhagat @ Brahmadeo Bhagat @ Brahmadeo Bhakra @
Barahmdev Bhakta Son of Late Nunu Bhagat, Resident of Village- Bahdinpur,
P.S. - Paroo, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Bhavesh Kumar, Advocate

For the Opposite Party : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-12-2024 Heard Mr. Bhavesh Kumar, the learned counsel for

the petitioner and Mr. Bhanu Pratap Singh, the learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Paroo PS Case No. 95 of 2022, FIR dated

07.03.2022, registered for the offence punishable under Section

302 read with Section 34 of the Indian Penal Code.

3. According to the prosecution case, the son of

informant went with the son of one Satyanarain Bhagat and

when informant's son didn't return late night, informant along

with other family members went to the house of Satyanarain

Bhagat, who alleged that his son met with an accident due to

informant's son. It is further alleged that all the FIR named

accused persons badly assaulted informant's son, and by the



time police arrived at the place of occurrence, they had already killed him.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that although, petitioner is named in the FIR, but from bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act attributed against the petitioner, rather there is general and omnibus allegation against all the co-accused persons including the petitioner. He further submits that for the same occurrence, another Paroo P.S. Case No. 96 of 2022 was lodged against the deceased and other co-accused persons. He further submits that from bare perusal of the Paroo P.S. Case No. 96 of 2022, it appears that in the aforesaid FIR, the manner of death of Munna Kumar has been clearly mentioned.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that petitioner is named in the FIR and bare perusal of the FIR, it appears that petitioner had participated in the crime in question.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent and



there is no specific allegation of any assault or overt act attributed against the petitioner, rather there is general and omnibus allegation against all the co-accused persons including the petitioner, 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 Judicial Magistrate 1st Class, Muzaffarpur / Successor Court, where the case is pending in connection with **Paroo PS Case No. 95 of 2022**, 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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