

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75169 of 2023

Arising Out of PS. Case No.-18 Year-2014 Thana- GUTHANI District- Siwan

1. Surendra Bhagat, Son of Sudarshan Bhagat, Gender-Male, aged about 53 years.
2. Munna Bhagat, Son of Surendra Bhagat, Gender-Male, aged about 30 years.
Both resident of Village - Sarkari Bangra, P.S.- Guthani, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 28-02-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with
Guthani PS Case No. 18 of 2014 instituted for the offences
punishable under Sections 147,148,149 and 302 of the Indian
Penal Code.

3. As per the prosecution case, accused persons
assaulted the brother of the informant due to which he was
badly injured and died.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and has committed no offence and has
falsely been implicated in this case due to land dispute between
the parties. Petitioners have got no criminal antecedent.



Similarly situated co-accused have been granted bail by a co-ordinate Benches of this Court.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, case diary and impugned order of the learned Additional Sessions Judge-IX, Siwan dated 25.09.2023, it appears that accused persons assaulted the brother of the informant, who sustained injury and died. Perusal of the case diary, it appears that witnesses has supported the occurrence. Similarly situated co-accused persons namely, Sudarshan Bhagat, Nandji Bhagat and Virendra Bhagat have been granted bail by a co-ordinate Benches of the Court in Cr. Misc. Nos. 49096 of 2014 and 67963 of 2021 dated 03.03.2015 and 29.04.2022, respectively. Petitioners are in custody since 07.08.2023, accordingly the prayer for bail of the petitioners is allowed. Let the petitioners above named 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 A.C.J.M. VIII, Siwan in connection with Guthani PS Case No. 18 of 2014, subject to the following conditions:- (i) That one of the bailor will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will undertake to furnish



information to the Court about any change in address of the petitioners, (ii) That the affidavit shall clearly state that the petitioners are not an accused in any other case and if they are, they shall not be released on bail. (iii) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse. (iv) That the petitioners will give an undertaking that they will receive the police papers on the given date and be present on date fixed for charge and if they fail to do so on two given dates and delay the trial in any manner, their bail will be liable to be cancelled for reasons of misuse, (v) That the petitioners will be well represented on each date if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

(Ramesh Chand Malviya, J)

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