

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76866 of 2023

Arising Out of PS. Case No.-115 Year-2023 Thana- VIJAYEPUR District- Gopalganj

1. Bhola Bhagat @ Bhola @ Chandra Shekhar Singh
@CHANDRASHEKHAR Son Of Rameshwar Bhagat Resident Of Village-
Kutiya, Ps- Vijayepur, Distt- Gopalganj
2. Mahesh Bhagat Son Of Rameshwar Bhagat Resident Of Village- Kutiya, Ps-
Vijayepur, Distt- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar, BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepankar Raj, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, Advocate

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 02-01-2024 Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of three weeks from today.

2. Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in a
case in connection with Vijayepur P.S. Case No. 115 of 2023
dated 13.05.2023 registered for the offences punishable u/ss
341, 323, 324, 325, 354, 354B and 307 read with section 34 of
the Indian Penal Code.

4. As per the prosecution case, the petitioners and the
co-accused persons came to the door of the informant and



started abusing. When the informant objected, all the accused persons started assaulting him by Lathi, Danda and Farsa. On the exhortation of Mahesh Bhagat, the co-accused persons assaulted the informant, in the meantime, the petitioner no. 1 assaulted the informant with Garasa but he escaped and thereafter the petitioner no. 1 inflicted Tangi blow on the leg of the informant's wife causing fractured injury on her left leg. When the family members of the informant came to rescue, all the accused persons also assaulted them and the petitioner no. 1 outraged the modesty of Punita Kumari and the Son of Ramesh Bhagat snatched gold ear-ring and Mangal-Sutra from Sunaina Devi.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case due to land dispute. There is a delay of 41 days in lodging the FIR. The allegation against the petitioner no. 1 is assaulting the informant with Garasa but he escaped. There is no specific allegation of assault against the petitioners. There is case and counter case between the parties. The petitioners have no criminal antecedent as stated at para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.



7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Gopalganj in connection with Vijayepur P.S. Case No. 115 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application stands allowed.

(Chandra Prakash Singh, J)

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