

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56038 of 2025

Arising Out of PS. Case No.-583 Year-2022 Thana- BIDUPUR District- Vaishali

Rajeev Bhagat @ Rajeev Kumar Nirala Son of Ganesh Bhagat Resident of
Village - Mustafapur, Police Station - Bidupur, District - Vaishali at Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-08-2025 Heard Mr.Sachin Kumar, learned counsel for the

petitioner and Mr.Dilip Kumar No. 1, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bidupur P.S.Case No.583 of 2022,FIR dated 02.11.2022 registered for the offences punishable under Sections 147,148,149,341,447,448,323,324,307,384,504,506 of IPC.

3. According to prosecution case, on 27.10.2022 at about 08:00 A.M. informant Surendra Pal was doing construction at the front side of his shop. In the meanwhile all the accused persons including the petitioner and other 100 unknown persons armed with Kudal, sword, Farsa, Gadasa and Hasua came and order to stop the work or pay two lakh rupees



as Rangdari. When informant denied to pay then Shyam Babu Bhagat with intention to kill him gave a Kudal blow caused injury on the head of informant and blood oozing out and thereafter Heromani Devi, who is wife of Shyambabu assaulted with sword on the head of informant which caused injury on his finger. On hulla Ganga Pal and Mukesh Kumar, who are elder brother and nephew of informant came to rescue him then other accused persons assaulted them also. Gajendra Bhagat assaulted with Farsa with intention to kill informant's elder brother Ganga Pal on his waist. It is further alleged that during scuffle Sanjay Paswan and Kaju Paswan assaulted with Gadasa and Farsa with intention to kill the nephew of informant, which caused an injury on his head and blood oozing out and Ratan Paswan also assaulted to nephew of informant thereafter Vijendra Paswan alias Bhulla, Sanjeev Paswan assaulted with sword and Hasua to Mukesh Kumar and Ganga Pal.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent. The allegation as alleged in the FIR is false and fabricated. Although the petitioner is named in the FIR but from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioner. Specific allegation of assault is attributed



against co-accused persons, namely, Shyam Babu Bhagat and his wife and specific allegation of assault is attributed against Ratan Paswan also. Further submits that the present case is counter blast of SC/ST Act (Bidupur P.S.Case No.430/19 SC/ST P.S. Case No.31/2022 and 40/2022) which was filed by the petitioner's side against the informant and his family members and apart from that, from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 27.10.2022 but the present FIR has been instituted on 02.11.2022 after filing of SC/ST Act (Bidupur P.S.Case No.430/19 SC/ST P.S. Case No.31/2022 and 40/2022) on 30.10.2022 and there is no specific allegation against the petitioner rather there is general and omnibus allegation against the petitioner. Further submits that similarly situated co-accused person, namely, Rupan Bhagat @ Rupan Paswan & Ors have been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 24.06.2023 passed in Cr. Misc. No.20483 of 2023, similarly situated co-accused person, namely, Hiromani Devi and Sumitra Devi have been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 14.07.2023 passed in Cr. Misc. No.19282 of 2023 respectively.



5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, there is no specific allegation against the petitioner and similarly situated several co-accused persons have been granted privilege of anticipatory bail by different Coordinate Benches of this Hon'ble Court, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bidupur P.S.Case No.583 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions:-

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

(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 court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below 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)

Nitesh/-

U		T	
---	--	---	--

