

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66571 of 2024

Arising Out of PS. Case No.-124 Year-2023 Thana- VIJAYEPUR District- Gopalganj

Sunil Bhagat, aged about 52 years, Gender-Male, Son of Ramekwal Bhagat
@ Ramekwal, R/o Village- Ghat Bandhaura, Gotia Tola, P.S.- Vijayipur, Dist.-
Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Binod Kumar Sinha, Advocate
For the Informant	:	Mr. Naresh Prasad, Advocate
For the Opposite Party	:	Mr. Anil Kumar Singh No. 1, A.P.P.

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

ORAL ORDER

3 07-02-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Vijaipur P.S. Case No. 124 of 2023 dated
19.05.2023 registered for the offences punishable under
Sections 341, 323, 324, 307 and 504 read with Section 34 of the
I.P.C.

3. The prosecution case, in brief, is that on 18.05.2023
at about 6.15 P.M., the sons of the informant, Harihar Bhagat
and Devendra Bhagat, called the Sarpanch, Ram Pati Bhagat,
and told to resolve the dispute over draining of the water of their



house forcibly on the land of the informant by their agnates (pattidar) Sunil Bhagat (petitioner), Chhotu Kushwaha, Mani Kushwaha, Manu Kushwaha and Birendra Bhagat. Upon which, the Sarpanch persuaded them not to encroach the government land which was situated in front of the house of the informant by putting wood and grass. It is further alleged that Sunil Bhagat (petitioner) and the co-accused Chhotu Kushwaha came there and Sunil Kushwaha (petitioner) assaulted with the spade on the head of Harihar Bhagat, the elder son of the informant, causing cut injury, due to which, he fell down on the earth and when Devendra Kushwaha, the younger son of the informant, came to save him then the co-accused Chhotu Kushwaha also assaulted with the spade on his head causing cut injury, due to which, he fell down on the earth. It is further alleged that when the informant came to rescue him then the co-accused Mani and Manu Kushwaha assaulted him with lathi, due to which, he fell down on the earth. The other co-accused persons Parmila Devi, Goldi and Gayatri had also threatened to kill them. They were also twisting lathi. On hulla, the local people came and save them and admitted them to the hospital.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in



this case. It is further submitted that the petitioner and the informant are own agnates and there is land dispute between them. There is case and counter case between the parties. It is further submitted that as per the F.I.R., the petitioner assaulted with the spade on the head of Harihar Bhagat which was found grievous in nature caused by hard and blunt substance but the spade is a sharp cut weapon and not the hard blunt substance. In fact, Harihar Bhagat, during altercation between both parties, fell down on the hard object and received injury on his head. The other co-accused persons Mani Kushwaha @ Mani Kumar @ Mani Bhagat and Manu Kushwaha have already been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 78753 of 2023 under order dated 22.01.2024. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State and learned counsel for the informant have opposed the prayer for anticipatory bail of the petitioner. Learned counsel for the informant has further submitted that the petitioner assaulted with the spade on the head of Harihar Bhagat, the elder son of the informant. The doctor has examined Harihar Bhagat and found the injury grievous in nature caused by hard and blunt substance which is



on the vital part of the body.

6. Considering the aforesaid facts and circumstances of the case and finding substance in the contention of the learned counsel for the informant, this Court is not inclined to grant anticipatory bail to the petitioner and the same is rejected with a direction to the petitioner to surrender before the learned court below within a period of six weeks from the date of receipt/production of a copy of this order and the learned court below may consider the prayer for regular bail of the petitioner in accordance with law and on its own merits without being prejudiced of the order of this Court in connection with Vijaipur P.S. Case No. 124 of 2023, pending in the court of learned J.M. Ist class, Gopalganj.

7. Accordingly, the anticipatory bail application of the petitioner stands rejected.

(Chandra Prakash Singh, J)

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