

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80153 of 2025

Arising Out of PS. Case No.-210 Year-2025 Thana- TRIVENIGANJ District- Supaul

1. Shankar Bhagat @ Sankar Bhagat S/O Mahabir Bhagat @ Mahaveer Bhagat Resident of village - Daparkha, Nagar Parishad, Triveniganj, Ward No. 23, Police Station - Triveniganj, District - Supaul
2. Santosh Bhagat S/O Nago Bhagat @ Nageshwar Bhagat Resident of village - Daparkha, Nagar Parishad, Triveniganj, Ward No. 23, Police Station - Triveniganj, District - Supaul
3. Sanjay Bhagat S/O Dheru Bhagat @ Raghubir Bhagat @ Gheru Bhagat Resident of village - Daparkha, Nagar Parishad, Triveniganj, Ward No. 23, Police Station - Triveniganj, District - Supaul
4. Fulchand Bhagat @ Krishndeo Bhagat @ Fuchrun Bhagat S/O Nago Bhagat @ Nageshwar Bhagat Resident of village - Daparkha, Nagar Parishad, Triveniganj, Ward No. 23, Police Station - Triveniganj, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun .

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-12-2025 Permission is granted to the learned counsel for the petitioners to make necessary correction in paragraph no. 3 of the bail petition.

2. Heard learned counsel for the petitioners and learned A.P.P. for the State.

3. The petitioners are apprehending their arrest in connection with Triveniganj P.S. Case No. 210 of 2025 registered for the offence punishable under Sections 126(2), 115(2), 352, 351(2), 109(1), 303(2), 3(5) of BNS, 2023 and



Section 27 of the Arms Act.

4. As per prosecution case, the petitioners along with other unknown co-accused persons came on tractor with various lethal weapons and started ploughing the field of Mung crop. It is further alleged that when the father-in-law of the informant intervened, the accused Ramesh Bhagat gave order to kill her father-in-law and buried in the field. Thereafter, co-accused Shambhu Bhagat fired from his firearm on the head of her father-in-law, which passed through his head. It is further alleged that on raising alarm, the informant and her husband went at the place of occurrence and saw that the accused persons started abusing and making indiscriminate firing. It is further alleged that co-accused Bhushan Bhagat and Sajjan Bhagat caught hold the informant and petitioner Santosh Bhagat, who is said to have made indecent behaviour with the informant and petitioner Fulchand Bhagat is said to have taken the silver chain and locket amounting to Rs. 5,000/-. It is further alleged that Sanjay Bhagat, Shankar Bhagat and Lakhan Bhagat caught hold her husband and tried to take him with intention to kill but after seeing the villagers, they fled away.

5. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as



alleged in the FIR. There is no specific allegation of assault as well as firing against the petitioners rather allegation of snatching is against the Fulchand Bhagat and allegation of indecent behaviour is against co-accused Santosh Bhagat, but these allegations are super addition. They have nothing to do with the alleged occurrence. In order to make the section graver, such allegations are levelled against the petitioners. Other allegations are general and omnibus in nature. There is specific allegation of firing against co-accused Shambhu Bhagat. Even the allegation of firing, which hit on the head of father-in-law of the informant, is falsified by the injury report that injury is caused by hard and blunt substance upon the informant's father-in-law, as mentioned in paragraph-7 of the bail petition. Further he submits that no firing material was found from the place of occurrence. Apart from that, the petitioners have no criminal antecedent.

6. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioners and submits that the petitioners are FIR named accused and they cannot escape from the allegation made in the prosecution story.

7. Considering the facts and circumstances of the case, keeping in view the clean antecedent of the petitioners,



there is no specific allegation of firing against the petitioners, arguments advanced on behalf of both the sides and also taking into consideration the materials available on record, the petitioners above named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Supaul in connection with Triveniganj P.S. Case No. 210 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

8. The application stands allowed.

(Alok Kumar Pandey, J)

shailendra/-

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