

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22657 of 2015

Arising Out of PS.Case No. -669 Year- 2014 Thana -SAHARSA District- SAHARSA

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1. Shankar Das son of Late Anup Das resident of Village - Bengha, Police
Station - Saharsa Sadar, District - Saharsa. Petitioner/s
Versus

1. The State of Bihar. Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh

For the Opposite Party/s : Mr. Prem Kr.Jha(App)
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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 17-09-2015

Heard the learned counsel for the petitioner, the
learned counsel for the informant and the learned Additional
Public Prosecutor.

The petitioner seeks bail in a case under Section 302
and other sections of the Indian Penal Code.

The informant named Upendra Das, Bodhi Das,
Pulen Das, Ganga Das, Shibu Das, Ram Lagan Das, Anil Das and
Mahendra Das and alleged that they along with 20-25 unknown
persons having armed with different weapons came while the
informant was constructing his boundary wall and demanded
extortion. Sumit Saurabh, son of the informant, insisted for
construction but the accused persons assaulted him and when Anil
Kumar Rathor, brother-in-law of the informant, went to save on
such, on the order of Upendra Das and Shibu Das, Ram Lagan
Das, Anil Das and Mahendra Das indiscriminately assaulted him.
Ram Lagan Das assaulted with *three-nut* causing injury on his
head.

It is submitted that petitioner is not named in the FIR. No specific allegation of assault is made against the petitioner. The informant has made very specific allegation of assault against the persons named in his *fard bayan*. During the course of investigation the informant himself named the petitioner as member of mob and except that there is no material against the petitioner.

Shri Pramod Kumar Mishra, the learned counsel for the informant, and the learned APP, however, vehemently opposed the prayer for bail and submitted that petitioner was also accompanying the named accused who killed Anil Kumar Rathor and brutally assaulted the son of the informant.

Having considered the fact that name of the petitioner figured in the case during the course of investigation but no specific allegation of assault is made against him, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in Saharsa Sadar P.S. Case No. 669/ 2014.

(Prabhat Kumar Jha, J)

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