

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34562 of 2015

Arising Out of PS.Case No. -22 Year- 2015 Thana -KATORIA District- BANKA

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1. Naresh Das Son of late Gaugu Das
 2. Parmeshwar Das Son of Late Gaugu Das
 3. Ashok Das @ Ashok Kumar Son of Naresh Das
 4. Suma Devi @ Sabita Devi Wife of Naresh Das
 5. Dinesh Das Son of Parmeshwar Das All are residents of Village - Supha, P.S. Katoria, District - Banka.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Smt. Sahin Begam(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 11-01-2016 Heard learned counsel for the petitioners, Informant and learned counsel for the State.

The petitioners apprehend their arrest in connection with Katoriya P.S. Case No. 22 of 2015 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307 and 379 of the Indian Penal Code, later on Section 302 of the Indian Penal Code has been added.

Learned counsel for the petitioners submits that there are general and omnibus allegations against 14 persons and the Axe blow, inflicted by one Ashok Das on the head, caused the death of the deceased and so far as other petitioners are concerned,

there is no specific allegation against them.

Earlier case diary of the present case was called for to ascertain the injuries sustained by the injured.

Learned counsel for the informant submits that several other person have been seriously injured during altercation and the deceased succumbed to the injury inflicted by petitioner no. 3 namely, Ashok Das @ Ashok Kumar and as such, aforesaid petitioner no.3 may not be extended the privilege of anticipatory bail.

Learned counsel for the State after perusing the case diary submits that there is specific allegation against the petitioner no. 3 and so far as rest petitioners are concerned, there is no specific allegation against them and the injury report which is appended in the case diary also does not indicate any overt Act on their part and whatever injuries have been caused by them, were found to be simple in nature.

Considering the aforesaid submissions and also the fact that the one co-accused namely, Bhatu Das has been granted by this Court vide order dated 22.09.2015 passed in Cr.Misc. No. 19207 of 2015, let the petitioners namely, Naresh Das, Parmeshwar Das, Suma Devi @ Sabita Devi and Dinesh Das in the event of their arrest or surrender before the court below within

a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate 1st Class, Banka in connection with Katoria P.S. Case No. 22 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

So far as petitioner no. 3 is concerned, there is specific allegation against him. Accordingly, the anticipatory bail of petitioner no. 3, namely, Ashok Das @ Ashok Kumar stands rejected.

Jagdish/-

(Anjana Mishra, J)

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