

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33082 of 2017

Arising Out of PS.Case No. -343 Year- 2016 Thana -HARSIDHI District-
EASTCHAMPARAN(MOTIHARI)

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1. Krishna Das, S/o Dahari Das,
2. Niraj Das, S/o Dahari Das, Both are resident of Village- Bairiyadih, P.S.
Harsidhi, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Yadav

For the Opposite Party/s : Mr. Smt. Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 20-07-2017 Heard the Counsel for the petitioner and the APP for the
State.

Two petitioners herein are named in the F.I.R. vide
Harsidhi P.S. Case No. 343 of 2016 registered under Sections 147,
341, 447, 323, 324, 307, 379 and 504/34 of the Indian Penal Code
wherein Section 302 IPC was later added.

On account of land dispute, it is alleged that the accused
persons arrived at the place of occurrence. Thereafter, petitioner
no. 1 assaulted the informant. Co-accused Ram Iqbal Das
intervened and assaulted the deceased with *farsa* on head. It is
submitted that there is counter version also lodged by the close
family members of the petitioners. The deceased died few days
after the occurrence. It was case of ill treatment. Placing the F.I.R.,



it has been submitted that purposefully vague allegation has been levelled against petitioner no. 2.

Mr. Dayal, APP, on the other hand, opposed the prayer and submits that it is serious offence wherein the petitioners have been named in the F.I.R.

Considering the allegations levelled in the F.I.R., I am not persuaded to extend privilege of anticipatory bail to petitioner no. 1. Prayer is rejected.

So far as petitioner no. 2 Niraj Das is concerned, in the event of arrest or surrender in the Court below within four weeks, he is directed to be released on anticipatory 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, Motihari in Harsidhi P.S. Case No. 343 of 2016 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have



liberty to cancel the bail bond of the petitioner and secure his
arrest in accordance with law

(Kishore Kumar Mandal, J)

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