

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45644 of 2017

Arising Out of PS.Case No. -28 Year- 2017 Thana -JALE District- DARBHANGA

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1. Rajesh Das S/o Chhitan Das.
 2. Tinkku Das @ Tinku Das S/o Chhitan Das.
 3. Phool Kumari Devi @ Phool Kumari W/o Late Ramashish Das.
 4. Tetar Das S/o Late Khelawan Das.
 5. Mohan Das S/o Asharfi Das.
 6. Savitri Devi W/o Paltan Das.
 7. Ramashish Das S/o Ramji Das. All residents of Village : Subhash Chowk Jalley, P.S. Jalley, District : Darbhanga.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : M/S. Bindhyachal Rai and Chandan Kumar, Advocates.

For the Opposite Party : Mr. Ramchandra Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-10-2017 Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application filed on behalf of petitioner no. 3, namely, Phool Kumari Devi @ Phool Kumari in connection with Jally P.S. Case No. 28/2017, pending in the court of learned C.J.M. Darbhanga.

Permission is accorded.

The application on behalf of petitioner no. 3 is dismissed as withdrawn.

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



The petitioners are apprehending their arrest in a case for the offence registered under Sections 147, 148, 149, 341, 323, 324, 307, 448, 153(A), 295, 295(A), 504, 506 and 427 of the IPC.

The prosecution story, in brief, is that on 26.02.2017 at about 5.00 P.M., the informant was playing with the children in the campus of *Madarsa*, in the meantime, more than 200 antisocial elements entered into the campus of *Madarsa* and *Masjid* armed with *Lathi*, *Danda*, *Talwar*, *Farsa*, *Bhala*, *Gandasa* and *Iron rod* and started assaulting the informant and other children after chasing, who were playing in the *Madarsa*. It is further alleged that one of the children, namely, Abdul Qadir was assaulted by petitioner Rajesh Das by *Talwar* on his head causing head injury. It is further alleged that co-accused Chhitan Das ordered to kill and the named accused persons and others including the petitioners entered into the *Mosque* and scattered books, computer and *Quran Sharif* and they also entered into the kitchen and damaged the same. It is also alleged that the teachers of *Madarsa* were also assaulted by them. They also threatened them for dire consequences.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged



against the petitioners. There is a case and counter case between the parties. Nature of injury is said to be simple. Hence, no offence under Section 307 IPC is made out. The matter has already been compromised between the parties as per Annexure-3 to the present application.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioners except petitioner no. 3 above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Darbhanga, in connection with Jally P.S. Case No. 28 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)