

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.58700 of 2017

Arising Out of PS.Case No. -145 Year- 2017 Thana -PHULPARAS District- MADHUBANI

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1. Mishri Lal Das, Son of Jabar Das, Resident of Village- Bharhar Siswar,
P.S.- Phulparas, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar Jha, Advocate

For the Opposite Party/s : Mr. Sri Rajeev Nayan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 05-01-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor of the State.

The petitioner is apprehending his arrest in connection
with Phulparas P. S. Case No. 145 of 2017 registered for offences
punishable under Sections 147, 148, 149, 323, 324, 307, 302,
448, 380, 427 and 504 of the Indian Penal Code.

The allegation is regarding assaulting the deceased
namely, Bhogi Lal Das after quarrel took place on account of
dispute pertaining to the construction of drain for the purposes of
evacuation of the rain water.

Learned counsel for the petitioner submits that the
allegation of any specific overt act is against the co-accused
persons namely, Rajesh Das. It is further submitted that the



petitioner herein has been falsely implicated in the present case on account of village rivalry and he has clean antecedent.

Learned counsel for the petitioner submits as far as petitioner is concerned, there is no specific allegation of any overt act against the petitioner.

Learned counsel for the informant as well as learned A.P.P. has vehemently opposed the prayer for bail and submitted that all the accused persons had assaulted the deceased, resulting in grievous injury to him and his consequent death.

Vide order dated 14.12.2017 this Court had called for case diary and upon perusal of the case diary, it transpires that the charge sheet has been filed against co-accused person, namely, Palat Das and Dilip das, however, investigation has been kept pending against the rest of the accused persons.

Having regard to the facts and circumstances of the case, I find that as far as the petitioner is concerned, at least he is entitled for grant of anticipatory bail.

Accordingly, above named petitioner is directed to be released on anticipatory bail in the event of arrest or surrender within six weeks from today before the concerned Court, on furnishing bail bond of Rs. 10,000/-(Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned



Chief Judicial Magistrate, Madhubani in connection with Phulparas P.S. Case No. 145 of 2017, subject to the conditions enumerated under Section 438 (2) of Code of Criminal Procedure.

It is further directed that the petitioner shall join the investigation and also report at the place fixed for investigation by police and in case of any default, the prosecution would be at liberty to move this Court for cancellation of bail of the petitioner.

(Mohit Kumar Shah, J)

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