

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2865 of 2018

Arising Out of PS.Case No. -163 Year- 2017 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

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1. Nand Kishore Das, son of Rajeshwar Das
2. Ram Nivas Das, son of Nagina Das
3. Rajeshwar Das, son of Hardeo Das
4. Pramod Kumar Das @ Pramod Das, son of Hardeo Das
5. Bachchan Das @ Bachha Das, son of Nagina Das
6. Baldeo Das, son of late Sheocharan Das
7. Nagina Das, son of late Sheocharan Das
8. Krishna Das, son of late Sheocharan Das
9. Ajay Kumar Das @ Ajay Das @ Ajay Kumar, son of Bidyanand Das
10. Birendra Das @ Virendra Das, son of late Shori Das
11. Sonu Kumar Das @ Sonu Kumar, son of Rajeshwar Das
12. Hardeo Das, son of late Jhingan Das
13. Santosh Kumar, son of Ram Niwas Das
14. Sanjay Das @ Sanjay Raj, son of Bidyanand Das

All residents of village Darmaha Tola Kathariya, P.S. Kesariya, Distt. East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar @ Sonu Babu, Adv.
For the State : Mr. Gauri Shankar Gupta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 16-01-2018

Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Kesariya P.S.**

Case No. 163 of 2017, G.R. Case No. 3637 of 2017 instituted for the offence under Sections 147, 148, 149, 341, 323, 324, 325, 307, 379, 504 and 506 of the Indian Penal Code.

It is alleged in the written report that all the petitioners entered into the house of the informant and started committing *loot-pat*. There is specific allegation against Ram Niwas Das (petitioner No.2) of



assaulting the informant with iron rod and *lathi*, as a result of which, he became unconscious and fell down. It is further alleged that Santu Sah, Bala Sah and Ganesh Sah came to save them, the petitioners also assaulted them.

Learned Sessions Judge has mentioned in the impugned order about the injuries of injured persons as stated in paragraphs 16, 23 and 24 of the case diary, that injuries of other injured are simple in nature except Nandlal Sah who has sustained grievous injury i.e. fracture of 5th left Metacarpal.

In such circumstances, keeping in view the specific allegation against petitioner No. 2 of assaulting the informant causing grievous injury to him, this Court is not inclined to grant anticipatory bail to petitioner No. 2.

Prayer for anticipatory bail of petitioner No. 2 namely, Ram Niwas Das, stands rejected. He may surrender before the court below and make prayer for regular bail.

So far petitioner Nos. 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 are concerned, considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner Nos. 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 namely, Nand Kishore Das, Rajeshwar Das, Pramod Kumar Das @ Pramod Das, Bachchan Das @ Bachha Das, Baldeo Das, Nagina Das, Krishna Das, Ajay Kumar Das @ Ajay Das @ Ajay Kumar, Birendra Das @ Virendra Das, Sonu Kumar Das @ Sonu Kumar, Hardeo Das, Santosh Kumar and Sanjay Das @ Sanjay



Raj, is allowed. In the event of surrender/arrest of the petitioner Nos. 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, named above, within six weeks from today, in connection with **Kesariya P.S. Case No. 163 of 2017, G.R. Case No. 3637 of 2017**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of **learned 11th Additional Chief Judicial Magistrate, East Champaran at Motihari**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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