

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41562 of 2019

Arising Out of PS. Case No.-281 Year-2019 Thana- NARPATGANJ District- Araria

1. Shambhu Chandra Das @ Shambhu Das, Aged about 50 years, Male, Son of Naresh Chandra Das, Resident of Village - Refugee Colony, Ward No.-03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria
2. Ujjwal Das, Aged about 20 years, Male, Son of Ashu Das, Resident of Village - Refugee Colony, Ward No.-03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria
3. Mithan Das @ Mithun Kumar Das, Aged about 22 years, Male, Son of Ashu Das, Resident of Village - Refugee Colony, Ward No.-03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria
4. Nikesh Kumar Das @ Nikesh Das, Aged about 20 years, Male, Son of Shambhu Das, Resident of Village - Refugee Colony, Ward No.-03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria
5. Sukesh Das @ Sukn Das, Aged about 26 years, Male, Son of Shambhu Das, Resident of Village - Refugee Colony, Ward No.-03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria
6. Chandan Das, Aged about 30 years, Male, Son of Naresh Das, Resident of Village - Refugee Colony, Ward No.-03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria
7. Yoges Das @ Yogesh Chandra Das, Aged about 50 years, Male, Son of Jag Bandhu Das, Resident of Village - Refugee Colony, Ward No.-03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria
8. Jeevan Das, Aged about 20 years, Male, Son of Yogesh Das, Resident of Village - Refugee Colony, Ward No.-03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria
9. Tapan Das @ Tapan Kumar Das, Aged about 22 years, Male, Son of Yogesh Das, Resident of Village - Refugee Colony, Ward No.-03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh
For the Opposite Party/s : Mr.Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 05-07-2019 Heard both sides.



Petitioners apprehend their arrest in Narpatganj (Basmatiya) P.S. Case No.281 of 2019, registered under Sections 302, 120(B) and 34 of the Indian Penal Code.

The informant altogether named 66 persons in the FIR and alleged that some altercation and assault took place between Ramchandra Das and others. Ramchandra Das and others had assaulted some persons in the year 2000 for which they were convicted. Since then Ramchandra Das and others had grudge with the petitioner and others and they were pressurizing to withdraw the case. On the eve of Holi, Ramchandra Das and others had entered into the house of the informant and others and assaulted them for which a case was also lodged. The informant further alleged that while his father Adhan Chandra Das and his brother Pawan Das were returning from Banaili Patti and reached near the culvert at about 8 A.M., Ramchandra Das and others including the petitioners surrounded them and indiscriminately assaulted them. The informant went there and saw his father and brother lying dead on the place of occurrence.

Learned counsel for the petitioners submits that the informant is not an eye witness of the occurrence. On mere suspicion on account of previous enmity, the informant named the petitioners but it appears that the informant and other



witnesses have categorically named the petitioners that they all indiscriminately assaulted the father and brother of the informant causing their death on the spot. It is one of the case of mob violence in which on account of previous enmity, a strong mob of 65-66 persons surrounded the father and brother of the informant and killed them on the spot.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

(Prabhat Kumar Jha, J)

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