

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42249 of 2019**

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

1. Mukund Chandra Das, aged about 50 years (Male), Son of Late Mangal Chandra Das, Resident of Village - Refugee Colony, Ward No.-03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District – Araria.
2. Kalicharan Das, aged about 35 years (Male), Son of Sanjeev Chandra Das, Resident of Village - Refugee Colony, Ward No.-03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District – Araria.
3. Ashu Chandra Das @ Ashu Das, aged about 45 years (Male), Son of Naresh Chandra Das, Resident of Village - Refugee Colony, Ward No.-03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District – Araria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

|                     |   |                                                                   |
|---------------------|---|-------------------------------------------------------------------|
| For the Petitioners | : | Mr.Sanjay Kumar Singh, Advocate.                                  |
| For the State       | : | Mr. Sanjay Kumar Sharma, A.P.P.                                   |
| For the Informant   | : | Mr. Ujjawal Kumar Singh and Mr. Jitendra Narain Sinha, Advocates. |

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      15-07-2019                      Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the informant.

The petitioners are languishing in custody since 30.03.2019 in a case for the offence registered under Sections 302 and 120(B)/34 of the IPC.

The prosecution story, in brief, is that on 08.05.2019 at 16.45 hours that since the year 2000, the co-accused Ramchandra Das was putting pressure the informant to withdraw the case lodged against him and others and the elder



brother of the informant, namely, Pawan was doing pairvi in that case and due to this enmity, the co-accused Ramchandra Das with his other associates on the eve of Holi festival entered into the house of the informant and they assaulted and committed loot in the house for that case was also lodged. Co-accused Ramchandra Das occasionally, giving threatening to withdraw the cases. On 07.05.2019, a Panchayati was held at the door of Ramchandra Das where Safitullah, the Mukhiya of Bela Panchayat was also present there. On 08.05.2019 at about 8.00 A.M. while the father Adhan Chandra Das and brother Pawan Das were coming riding on Motorcycle from Banaily Patti after wages and when reached at the culvert situated 200 Meters towards Western side of his house and co-accused Ramchandra Das alongwith the petitioners and others co-accused persons named in the F.I.R. assaulted the father and brother of the informant by means of deadly weapons including the fire arms and due to that they sustained injury and died.

It has been submitted by learned counsel for the petitioners that the petitioner nos. 1 and 2 have got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been



implicated in the present case. 66 persons are named in the F.I.R. including these petitioners. General and omnibus allegation has been made against the petitioners. Neither there is any specific overt act has been alleged against the petitioners nor there is any specific injury is attributed against the petitioners.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on 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. Araria, in connection with Narpatganj (Basmatiya) P.S. Case No. 281 of 2019.

**(Sudhir Singh, J)**

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