

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46903 of 2019

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

1. GHUNAI DAS S/O Rai Mohan Das Resident of village- Refugee Colony, Ward No.- 03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria.
2. Deepak Das @ Deepak Kumar Das S/O Ghunai Das Resident of village- Refugee Colony, Ward No.- 03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria.
3. Falen Das S/O Nilkant Das Resident of village- Refugee Colony, Ward No.- 03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria.
4. Sukhai Chandra Das S/O Rai Mohan Das Resident of village- Refugee Colony, Ward No.- 03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria.
5. Sachin Das S/O Sukhai Das Resident of village- Refugee Colony, Ward No.- 03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria.
6. Sujan Das @ Sajjan Das S/O Ram Das Resident of village- Refugee Colony, Ward No.- 03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria.
7. Shiva Das @ Shiv Charan Das S/O Gopal Chandra Das Resident of village- Refugee Colony, Ward No.- 03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria.
8. Jeetendra Das S/O Jiten Das Resident of village- Refugee Colony, Ward No.- 03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria.
9. Dhananjay Das S/O Narendra Das Resident of village- Refugee Colony, Ward No.- 03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria.
10. Tapes Das @ Tapas Das S/O Dhananjay Das Resident of village- Refugee Colony, Ward No.- 03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria.
11. Shyam Chandra Das @ Shyam Charan Das S/O kalachand Das Resident of village- Refugee Colony, Ward No.- 03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria.
12. Kalachand Das S/O Rupchand Das Resident of village- Refugee Colony, Ward No.- 03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria.
13. Jaychandra Das S/O Kala Chand Das Resident of village- Refugee Colony, Ward No.- 03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria.
14. Sukumar Das S/O Suresh Das Resident of village- Refugee Colony, Ward No.- 03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria.
15. Sanjay Das S/O Naresh Das Resident of village- Refugee Colony, Ward No.- 03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria.
16. Jagat Das S/o Rabindra Das Resident of village- Refugee Colony, Ward No.-



03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria.

17. Kailash Das S/o Rabindra Das Resident of village- Refugee Colony, Ward No.- 03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria.
18. Manjesh Das S/O Rabindra Das Resident of village- Refugee Colony, Ward No.- 03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria.
19. Nipendra Chand Das @ Nipendra Das S/o Rabindra Das Resident of village- Refugee Colony, Ward No.- 03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria.
20. Ramchandra Das S/o Rabindra Das Resident of village- Refugee Colony, Ward No.- 03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria.
21. Sumitra Das W/O Ramchandra Das Resident of village- Refugee Colony, Ward No.- 03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria.
22. Ramchandra Das S/O Ikali Das Resident of village- Refugee Colony, Ward No.- 03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria.
23. Prahlad Das @ Parlad das S/o Ramchandra Das Resident of village- Refugee Colony, Ward No.- 03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria.
24. Birendra Chand Das S/o Jitendra Das Resident of village- Refugee Colony, Ward No.- 03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria.
25. Chandi Das S/o Birendra Das Resident of village- Refugee Colony, Ward No.- 03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria.
26. Jhantu Malak @ Jhantu Kumar Malak S/O Dayal Malak Resident of village- Refugee Colony, Ward No.- 03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria.
27. Mantu Malak @ Mantu Kumar Malak S/o Dayal Malak Resident of village- Refugee Colony, Ward No.- 03, Basmatiya, P.S.- Narpatganj (Basmatiya O.P.), District- Araria.
28. Parmod Das S/O Purn 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/s

Appearance :

For the Petitioners	:	Dr. Amrendra Kumar, Advocate. Mr. Sanjay Kumar Singh, Advocate.
For the informant	:	Mr. Ahsok Kumar Keshari, Advocate.
For the State	:	Mr. Shantanu Kumar, APP



**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 21-10-2019 Learned counsel for the petitioners seeks permission to withdraw this application in respect of petitioner no.22-Ramchandra Das.

Permission is granted.

Accordingly, this application in respect of petitioner no.22-Ramchandra Das is dismissed as withdrawn.

Heard learned counsel for the rest of the petitioners, learned counsel for the informant and the learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302 & 120 B/34 of the Indian Penal Code.

66 named accused persons including the petitioners are said to have committed murder of the father and brother of the informant while they were regressing to their house on the motorcycle. Earlier to the aforesaid occurrence they had also assaulted the informant and his family members for which informant has lodged case against them and they were mounting pressure upon the informant for withdrawal of the said case.



It is submitted by learned counsel for the petitioners that the petitioners have no concern with the aforesaid occurrence. They have been falsely implicated in this case. The allegation levelled against the petitioners are not specific rather general and omnibus in nature. Father of the informant has sustained two injuries while his brother has sustained three injuries and the assailant of the said injuries are not ascertained. Similarly, situated four accused persons have been enlarged on anticipatory bail by different co-ordinate Bench of this Court. Hence, the petitioners may be enlarged on anticipatory bail.

Per contra, learned counsel for the informant and learned APP for the State vehemently opposing the bail petition submitted that all the petitioners forming unlawful assembly committed the murder of father and brother of the informant in front of his house in the morning. Witnesses have supported the occurrence. More over out of the aforesaid petitioners 11 are having criminal antecedent and 9 have been convicted. The prayer for bail of similarly situated 19 accused persons have been refused by different co-ordinate Bench of this Court.

Considering the facts and circumstances of



case, I am not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected. However, the petitioners are directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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