

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47611 of 2019

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

1. NIRANJAN DAS Son of Santosh Das Resident of Village- Bela Refugee Colony Ward No. 03, P.S.- Narpatganj (Basmatiya), District- Araria.
2. Fania Das Son of Rakhal Chand Das Resident of Village- Bela Refugee Colony Ward No. 03, P.S.- Narpatganj (Basmatiya), District- Araria.
3. Duryodhan Das @ Rodia Das Son of Rakhal Chand Das Resident of Village- Bela Refugee Colony Ward No. 03, P.S.- Narpatganj (Basmatiya), District- Araria.
4. Rakhal Chandra Das Son of Late Manik Chandra Das Resident of Village- Bela Refugee Colony Ward No. 03, P.S.- Narpatganj (Basmatiya), District- Araria.
5. Rajendra Kumar Das Son of Bindwari Das Resident of Village- Bela Refugee Colony Ward No. 03, P.S.- Narpatganj (Basmatiya), District- Araria.
6. Manik Kumar Das Son of Narayan Chandra Das Resident of Village- Bela Refugee Colony Ward No. 03, P.S.- Narpatganj (Basmatiya), District- Araria.
7. Gaur Chand Das @ Gaur Chandra Das Son of Niranjan Chandra Das Resident of Village- Bela Refugee Colony Ward No. 03, P.S.- Narpatganj (Basmatiya), District- Araria.
8. Praveen Kumar Das @ Praveen Das Son of Kunjwari Das Resident of Village- Bela Refugee Colony Ward No. 03, P.S.- Narpatganj (Basmatiya), District- Araria.
9. Ram Kumar Das Son of Chulhai Das Resident of Village- Bela Refugee Colony Ward No. 03, P.S.- Narpatganj (Basmatiya), District- Araria.
10. Amit Kumar Das Son of Narayan Chandra Das Resident of Village- Bela Refugee Colony Ward No. 03, P.S.- Narpatganj (Basmatiya), District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana
For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 31-07-2019

Heard learned counsel for the parties.



This is an application for grant of anticipatory bail in connection with Narpatganj (Basmatiya) P.S. Case No. 281 of 2019, disclosing offences under Sections 302 and 120B/34 of the Indian Penal Code.

There are 66 persons named in the FIR.

Learned counsel for the petitioners has submitted that the allegation of assault against all the persons is general and omnibus and there is no allegation of any specific overt act against these petitioners.

Learned counsel for the informant has opposed the prayer for anticipatory bail and has submitted that, by an order of this Court dated 05.07.2019, passed in Cr. Misc. No. 41562 of 2009, other similarly situated accused person has been refused the prayer for anticipatory bail. He has submitted that everyone named in the FIR participated in commission of the offence, leading to two deaths.

In response, the learned counsel for the petitioners has referred to an order of this Court dated 16.07.2019, passed in Cr. Misc. No. 43593 of 2019, to submit that co-accused Safitullah has been granted anticipatory bail.

It is true that the said co-accused Safitullah has been allowed anticipatory bail by order dated 16.07.2019, but



evidently this Court's order dated 05.07.2019, passed in Cr. Misc. No. 41562 of 2019 was not brought to the notice of the Court, while passing the said order.

In the facts and circumstances of the case, this application is rejected.

However, the petitioners are directed to surrender in the court below within four weeks from today and seek regular bail, if so advised. If they do so, the court below shall consider their prayer for regular bail on its own merit, without being prejudiced by the rejection of the present anticipatory bail application.

(Chakradhari Sharan Singh, J)

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