

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50654 of 2019

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

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1. Kartik Chandra Das, aged about 46 years, male, S/o Mani Chandra Das.
 2. Binod Kumar Das, aged about 19 years, male, S/o Ganesh Chandra Das.
- Both R/o village- Bela Refugee Colony, P.S.- Basmatiya Narpatganj, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 51154 of 2019

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

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Kali Kumar Das, aged about 55 years, male, Son of Suresh Das, Resident of Village - Refugi Colony, Ward No. 3, P.S.- Basmatiya, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 50654 of 2019)

For the Petitioner/s : Mr. Hemant Kumar, Adv.

For the State : Mr. Md. Aslam Ansari, APP

(In CRIMINAL MISCELLANEOUS No. 51154 of 2019)

For the Petitioner/s : Mr. Md. Naushad Uzzoha, Adv.



For the State : Mr. Md. Aslam Ansari, APP
For the Informant : Mr. Ashok Kumar Keshari, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 16-11-2019 Both the bail petitions have been heard together and are being disposed off by this common order.

Heard Mr. Hemant Kumar and Mr. Md. Naushad Uzzoha, learned counsel for the petitioners in Cr. Misc. No. 50654 of 2019 and Cr. Misc. No. 51154 of 2019 respectively, and Mr. Ashok Kumar Keshari, learned counsel for the informant. Mr. Md. Aslam Ansari, learned Addl. Public Prosecutor for the State has rendered his assistance at the time of hearing of these cases.

The petitioners, in both the petitions, seek bail in connection with Narpatganj (Basmatiya) P.S. Case No. 281 of 2019, dated 08.05.2019, instituted for the offences under Sections 302 and 120B/34 of the Indian Penal Code.

The petitioners are the named accused persons



amongst sixty six accused persons named in the F.I.R.

The allegation in the F.I.R. is that while the father and the brother of the informant were coming back, they were mercilessly assaulted and killed. It has also been alleged that there had been other incidents in the family at the hands of the accused persons and a day prior to the occurrence, there was a meeting held in which it was decided to do away with the life of the deceased persons. The accused persons has been asking the informant and others for not prosecuting them in an earlier case. Because of the refusal of the informant and other witnesses of the case, such an occurrence took place.

Learned counsel for the petitioners have drawn the attention of this Court to two of the orders passed by different co-ordinate Benches of this Court; one in which the Mukhiya of the concerned village about whom allegation has been levelled in the F.I.R., has been granted anticipatory bail, whereas the other accused persons, with similar allegation, have been granted



regular bail by two different Benches of this Court.

It further appears that there is a group in the village which is opposed to the informant, but the difficulty in the present case is that sixty six persons have been named in the F.I.R. with no specific accusation against them.

Mr. Ashok Kumar Keshari, learned Advocate for the informant has submitted that it is not one of those cases which could be dealt with in a general manner. In fact, the place of occurrence borders the neighbouring state and the accused persons are in the habit of indulging in illegal activities in which the informant and others do not cooperate. Hence, the animosity. It has further been submitted that the occurrence took place in front of the house of the informant in the day light, which only depicts the dare-devility of the accused persons.

On perusal of the entire records, it appears that charge-sheet in this case has been submitted.

The petitioners in Cr. Misc. No. 50654 of 2019



are in custody since 09.05.2019, whereas the petitioner in Cr. Misc. No. 51154 of 2019 is in custody since 14.05.2019.

Considering the fact that similarly situated co-accused persons have been granted bail by different Benches of this Court, no different treatment can be accorded to the petitioners.

The petitioners above named are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge, Araria/learned Chief Judicial Magistrate, Araria in connection with Narpatganj (Basmatiya) P.S. Case No. 281 of 2019.

However, it is made clear that if the petitioners ever cross roads with the informant or other witnesses of this case, it would be open for the informant to make necessary complaint before the Court below and seek cancellation of their bail. The petitioners are also directed to participate in the trial and their unexplained



absence from the trial proceedings, would be treated adversely by the Trial Court. In that event, the Trial Court shall proceed with the cancellation of bail of the petitioners.

The applications stand allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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