

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50907 of 2019

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

1. MANISH KUMAR DAS Son of Manoranjan Das
2. Manoranjan Chandra Das @ Manoranjan Das Son of Adhar Chandra Das
Both Resident of Village- Refugee Colony, Bela, P.S.- Basmatiya
(Narpatganj), Dist- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ramesh Kumar Singh, Adv
For the Opposite Party/s	:	Mr.Ashok Kumar Keshari, Adv
For the State	:	Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 28-11-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

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

According to FIR, 66 named accused person including the petitioners variously armed attack on the father and brother of the informant causing their death due to previous enmity.

Learned counsel for the petitioners has prayed for anticipatory bail on the strength of grant of anticipatory bail by other Coordinate Benches of the Court to some other similarly



situated co-accused as well as on the ground that informant is not an eye witness of the occurrence nor any witness has supported to have seen the petitioners participating in the occurrence.

The record reveals that co-accused-Shambhu Chandra Das @ Shambhu Das and 8 others were refused anticipatory bail in Cr. Misc. No. 41562 of 2019 on 05.07.2019 by a Coordinate Bench of this Court considering the fact that the case is of mob violence wherein two person were done to death. Thereafter on 16.07.2019, another Coordinate Bench of this Court granted anticipatory bail to co-accused-Safitullah in Cr. Misc. No. 43593 of 2019. However, the same Hon'ble Bench, which has granted anticipatory bail to Safitullah, refused prayer for anticipatory bail to co-accused-Niranjan Das and 9 others carrying identical allegation in Cr. Misc. No. 47611 of 2019 on 31.07.2019 by observing that the order dated 05.07.2019 passed in Cr. Misc. No.41562 of 2019 was not placed before the Hon'ble Bench.

The record further reveals that some other co-accused were granted anticipatory bail in Cr. Misc. No. 62137 of 2019 on 30.09.2019 and Cr. Misc. No. 62005 of 2019 on 17.10.2019 only considering the fact that co-accused-Safitullah



was allowed anticipatory bail by a Coordinate Bench. It has already been pointed out that the said Bench realized in the subsequent order that if earlier order of refusal of anticipatory bail to the accused would have been produced before him he must not have passed order granting anticipatory bail to Safitullah and accordingly refused anticipatory bail to the petitioners before the Bench. Petitioners have got criminal antecedent.

I am also of the considered view that in such type of allegations, the accused who are named as perpetrator of the crime, do not deserve anticipatory bail. Hence prayer for grant of anticipatory bail is refused in connection with Narpatganj (Basmatiya) P.S.Case No.281 of 2019 pending in the court of learned Chief Judicial Magistrate, Araria.

(Birendra Kumar, J)

Nitesh/-

U		T	
---	--	---	--

