

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13965 of 2020

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

FALLAN DAS @ FELAN DAS @ PHULAN DAS, aged about 41 years (M),
son of Nikhil Chandra Das, resident of Village - Bela, Near Middle School,
Ward No. 03, P.S. - Narpatganj, District - Araria.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate
For the State	:	Mr. Ram Sumiran Rai, APP
For the Informant	:	Mr. Neeraj Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

8 19-08-2020 Heard learned counsel for the parties through
virtual Court proceeding.

In this case, the petitioner is seeking regular bail in
connection with Narpatganj (Basmatiya) P.S. Case No.281 of
2019, registered for the offence under Sections 302 and 120B/34
of the Indian Penal Code.

As per the F.I.R., about 66 persons have assembled,
surrounded and killed two persons. In the F.I.R. general and
omnibus allegation has been made but, after two months witness
has come forward and given the details of the incident and
participants as well as the details of weapons used by each of
the accused persons.

Learned counsel for the informant submits that by
suppressing the fact bail orders have been obtained by the



accused persons as somewhere it has been mentioned about the death of one person and somewhere it has been mentioned about the death of two persons, inasmuch as, in some cases, before happening of the incident the Court has recorded the presence of the accused person(s) in the custody, which appears to be very absurd.

It has further been submitted that the informant and his family members are receiving threat from the accused persons and the security which has been granted to the informant and his family members is going to be withdrawn on the ground of upcoming election.

As per the F.I.R. about 66 persons have killed two persons. It is very difficult for a persons to keep his memory regarding the act of each individuals in the incident and that too after two months of the incident. Furthermore, already 18 accused persons have been granted bail by this Court.

Considering the aforesaid facts and circumstances of the case, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria, in connection with Narpatganj (Basmatiya) P.S. Case No. 281 of 2019.



However, it is made clear that the security which has been granted to the informant and his family members will continue to subsist even during the upcoming election period as there is threat of their lives. If any overt act is done with respect to threatening of life of the informant or any family members, the informant is at liberty to make prayer for cancellation of bail of the accused persons.

(Shivaji Pandey, J)

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