

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10564 of 2020

Arising Out of PS. Case No.-639 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. Mirtunjay Das S/o Ram Gulam Das Resident of Village - Kothiya Maniyappa, P.S. - Matihani, District - Begusarai.
 2. Gopal Kumar Das S/O Dinesh Sah Resident of Village - Kothiya Maniyappa, P.S. - Matihani, District - Begusarai.
 3. Rabin Das @ Karn Raj S/O Late Ram Gulam Das Resident of Village - Kothiya Maniyappa, P.S. - Matihani, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Adv.

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 05-12-2020 Heard learned counsel for the petitioners and learned APP
for the State through video conferencing.

At the outset, it is submitted by learned counsel for the petitioners that during pendency of this application the petitioner no.1 Mirtunjay Das and petitioner no.3 Rabin Das @ Karn Raj have been arrested and as such he seeks permission to withdraw this application so far as they are concerned.

In view of the above, the application so far as petitioner nos. 1 and 3 are concerned is dismissed as withdrawn.

The instant application for anticipatory bail has been filed by the petitioner no.2 apprehending his arrest in connection with



Begusarai Mufassil P.S. Case No.639 of 2019 registered under section 307 and other sections of the Indian Penal Code.

As per allegation in the F.I.R., the seven named accused persons including the three petitioners herein came to the house of the informant variously armed and it is further stated that Rabin Das assaulted the son of the informant with an iron rod and on the informant and others coming to his rescue, Mirtunjay Das and Rabin Das assaulted others also. It is submitted by learned counsel for the petitioner no.2 that from perusal of the F.I.R. itself it would transpire that the allegations of assault is on Rabin Das and Mirtunjay Das and not the petitioner no.2. The allegations are general and omnibus in nature. There is an unexplained delay in lodging of the F.I.R. and even accepting the allegations made therein, no case under section 307 of the Indian Penal Code is made out. The petitioner no.2 has no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case together with the contents of the F.I.R., this Court is inclined to enlarge the petitioner no.2 on bail. The petitioner no.2 is



directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Begusarai Mufassil P.S. Case No.639 of 2019, the petitioner no.2 will be enlarged on bail on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai, subject to the conditions as laid down in section 438(2) of the Criminal Procedure Code.

(Partha Sarthy, J)

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