

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18051 of 2020

Arising Out of PS. Case No.-169 Year-2019 Thana- WAJIRGANJ District- Gaya

1. Suraj Kumar @ Suraj Das, aged about 19 years (Male), Son of Mahendra Das, Resident of Village - Basua, P.S. - Wazirganj, District - Gaya.
2. Chandan Kumar @ Chandan Das, aged about 18 years (Male), Son of Mahendra Das, Resident of Village - Basua, P.S. - Wazirganj, District - Gaya.
3. Sujeet Kumar @ Sujeet Das, aged about 18 years (Male), Son of Bachchan Das, Resident of Village - Basua, P.S. - Wazirganj, District - Gaya.
4. Meghan Das, aged about 46 years (Male), Son of Late Mangru Das, Resident of Village - Basua, P.S. - Wazirganj, District - Gaya.
5. Akhilesh Das @ Akhlesh Das, aged about 30 years (Male), Son of Bachchan Das, Resident of Village - Basua, P.S. - Wazirganj, District - Gaya.
6. Munna Kumar @ Munna Das, aged about 21 years (Male), Son of Kapil Das, Resident of Village - Basua, P.S. - Wazirganj, District - Gaya.
7. Pankaj Kumar @ Pankaj Das, aged about 18 years (Male), Son of Arjun Das Resident of Village - Basua, P.S. - Wazirganj, District - Gaya.
8. Arjun Das, aged about 37 years (Male), Son of Late Chulhi Das, Resident of Village - Basua, P.S. - Wazirganj, District - Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr.Shivendra Prasad, Advocate.
For the Opposite Party	:	Mrs. Anita Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 17-07-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offences registered under Sections 147, 148, 149, 323,



379, 307, 354 and 504 of the I.P.C.

The prosecution case, in short, is that on 26.05.2019, all accused persons having arms came and assaulted the informant. Meghan Ravi Das armed with rifle, Chandan and Suraj armed with pistol entered into his house and took Rs. 30,000/- from the Godrej. Sujit Ravidas took golden chain from the neck of the sister-in-law (Bhabhi) of the informant, Akhilesh Das took ear-ring and *Mangalsutra* of the informant's mother. Arjun Das assaulted with Iron rod causing head injury. Munna Das assaulted with Khanti to the informant's uncle and Pappu Das assaulted with Iron rod to the informant's brother, as a result of which, he sustained injury. Pankaj Das caught hand of the informant's sister-in-law (Bhabhi) with bad intention and pushed her, as a result of which, she sustained injuries.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands.



Other co-accused have been granted bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 7405 of 2020, under order dated 02.03.2020.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned A.C.J.M. Ist, Gaya, in connection with Wazirganj P.S. Case No. 169/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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