

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11531 of 2020**

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

RADHIYA DAS @ DURYADHAN CHAND DAS @ RADIA DAS S/o
Rakhal Chand Das @ Rakhal Das @ Rakhal Chandra Das Resident of
Village- Bela, Refugy Colony, Ward No. 03, P.S.- Narpatganj, Distt- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra

For the Opposite Party/s : Mr.Mohammed Arif

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 28-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the
offences under Sections 302, 120-B and 34 of the Indian Penal
Code.

The prosecution case in short is that the accused
persons assaulted the father and brother of the informant due to
which they sustained injury and later succumbed to the injury.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 17.1.2020 and has got no
criminal antecedent. There is no allegation of tampering of
witnesses alleged against the petitioner. Altogether 66 persons
are named in the F.I.R. As per the informant, the deceased were



returning home and the accused persons assaulted the deceaseds. The informant is not an eye witness to the manner of occurrence. Later on, a witness namely Raghunath Das claimed that he was also accompanying the deceaseds and hence he explained the manner of occurrence. His name does not figure in the F.I.R. Later on, the prosecution has tried to set up the said witness with an intention to falsely implicate the petitioner. If he had seen the occurrence, he ought to have become informant of the present case. Other co-accuseds have been granted bail vide Annexure-2 and 3 series to the present application.

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

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Narpatganj (Basmatiya) P.S. Case No. 281/2019.

(Sudhir Singh, J)

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