

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10800 of 2020

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

1. Manik Das @ Manik Kumar Das @ Manim Kumar Das, aged about 57 years, Male, Son of Narayan Chandra Das @ Narayan Chand Das @ Narayan Das, Resident of Village Bela, Refugy Colony, Ward No. 03, P.S.- Narpatganj, District- Araria.
2. Amit Das @ Amit Kumar Das, aged about 32 years, Male, Son of Narayan Chandra Das @ Narayan Chand Das @ Narayan Das, Resident of Village - Bela, Refugy Colony, Ward No. 03, P.S.- Narpatganj, District- 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.Ramchandra Sahn

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the State as well as learned counsel for the informant.

The petitioners seek bail in Narpatganj (Basmatiya) P.S. Case No.281 of 2019, registered under Sections 302/120B/34 of the Indian Penal Code.

The informant alleged that in the year 2000, a case was lodged against Ramchandra Das and others in which they were convicted and since then Ramchandra Das and others were bearing grudge. They were pressurizing the informant and his family members for not prosecuting them. Pawan Das, the elder brother of the informant, was looking after the case affairs and on account of such enmity, Ramchandra Das and his accomplices entered



into the house of the informant and assaulted the family members of the informant. It is further alleged that in the evening of 07.05.2019, Safibullah, Mukhiya of Bela Panchayat, was brought and meeting was held. A conspiracy was hatched up to commit murder. On 08.05.2019 while his father Adhan Chandra Das and brother Pawan Das were returning on a motorcycle, all the accused persons intercepted them and thereafter they indiscriminately assaulted and killed the father and brother of the informant.

Learned counsel for the petitioners submits that 66 persons are named in the FIR. The informant claimed himself to be eye witness of the occurrence but he made omnibus and general allegation of assault against all the accused persons. Similarly situated other co-accused persons, namely, Safitullah, Dinesh Chandra Das, Umesh Chandra Das, Saina Kumar Das @ Saina Das, Ram Bilash Das, Mukund Chandra Das, Kalicharan Das, Ashu Chandra Das @ Ashu Das and many others in Cr. Misc. No.50654 of 2019 and Cr. Misc. No.51154 of 2019 were granted anticipatory bail or regular bail. The case of the petitioners stands on the same footing.

The learned Additional Public Prosecutor as well as the learned counsel for the informant vehemently opposed the prayer for bail and submit that of course the informant, son and brother of the deceased, did not make any specific allegation of assault



against the petitioners but during the course of investigation, the witnesses disclosed that the petitioners assaulted the deceased with iron rod and, therefore, the petitioners do not deserve bail.

From perusal of the records, it transpires that the petitioners who are son and brother of the deceased, of course named 66 persons in the FIR and alleged that they all waylaid his father and brother and indiscriminately assaulted them causing their death on the spot but no specific allegation of assault is made against the petitioners. On the same and similar allegations, different Benches of this Court have granted either anticipatory or regular bail to many other accused persons, therefore, the petitioners should also get the same treatment.

Considering the facts aforesaid, petitioners, namely, Manik Das @ Manik Kumar Das @ Manim Kumar Das and Amit Das @ Amit Kumar Das are directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each 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.

(Prabhat Kumar Jha, J)

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