

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10903 of 2020

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

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1. RAKHAL CHAND DAS @ RAKHAL DAS @ REKHAL DAS @ RAKHAL CHANDRA DAS Son of Manindra Chand Das @ Manik Chandra Das
 2. Fonia Das @ Fani Bhusan Das @ Foniya Das @ Fania Das Son of Rakhal Chand Das @ Rakhal Das @ Rekhal Das
Both are 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 Sahni

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 29-02-2020 Heard both sides.

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

The informant, Bharat Kumar Das alleged that on
07.05.2019, Ram Chandra Das was putting pressure to withdraw
criminal case lodged against him but on 08.05.2019 at about 8
A.M. while his father, Adhan Chandra Das and brother, Pawan
Das were coming on a motorcycle from Banaily Pain and when
they reached near the culvert, Ramchandra Das and other
accused persons indiscriminately assaulted the father and the



brother of the informant causing their death on the spot.

The learned counsel for the petitioners submits that the petitioners are also named in the F.I.R. but no specific allegation of assault is made against the petitioners. Omnibus and general allegation of assault are made against all the accused persons. The petitioners have no manner of concern with the affairs of Ramchandra Das. Many of the co-accused persons namely, Mukund Chandra Das, Kalicharan Das, Ashu Chandra Das, Kartik Chandra Das, Binod Kumar Das, Kali Kumar Das and others have been granted regular bail by different Benches of this Court. The case of the petitioners stands exactly on the same footing.

Learned A.P.P. as well as learned counsel for the informant vehemently opposed the prayer for bail and submits that it is a case of mob lynching and a serious criminal offence which invites graver punishment. It is further submitted that in the case of Sushan Kumar Das, a Bench of this Court called for the case diary on 17.12.2019. The anticipatory bail of Manish Kumar Das, Manoranjan Das and many others have been rejected by the different Benches of this Court.

It appears that petitioners are of course named in the F.I.R. but no specific allegation of assault is made against the



petitioners. From perusal of the records, it appears that most of the other accused persons who moved this court in regular bail have been granted regular bail by the different Benches of this Court. The case of the petitioners is not at all distinguishable from the case of other accused persons who have already been granted regular bail.

Considering the aforesaid facts, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees 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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