

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.17726 of 2020**

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

NIMAI CHAND DAS S/o Niranjan Das Resident of Village-Bela, Refugee Colony,  
P.S.-Narpatganj (Basmatiya O.P.), District-Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Mritunjay Kumar, Adv.  
For the Informant : Mr. NeeraJ Singh, Adv.  
For the Opposite Party/s : Mr.Shailendra Kumar, APP.

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

4      24-09-2020                      Heard learned counsel for the petitioner and learned  
APP for the State, through video conferencing.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Narpatganj (Basmatiya) P.S. Case No. 281 of 2019, registered for the offence punishable under sections 302, 120 B and 34 of the Indian Penal Code.

As per allegation in the FIR, sixty six named accused persons in the FIR are stated to have assaulted the father and brother of the informant resulting in their death.

It is submitted by learned counsel for the petitioner that the petitioner was not named in the FIR among the sixty six named accused persons. His name transpired in course of investigation. It is submitted that although the statement of



Ranjan Kumar, brother of the informant was recorded on 9.5.2019, wherein he does not name the petitioner, however, in his subsequent statement recorded on 25.5.2019 he names the petitioner. Further referring to order dated 17.1.2020 (Annexure-3) it is submitted that the said Ranjan Kumar is not an eye witness to the actual occurrence but is only a witness, who saw the accused person fleeing. The petitioner has no criminal antecedent.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that the bail applications of sixty two out of the total sixty six accused persons have been rejected. There is admitted enmity between the parties, the earlier case being Narpatganj P.S. Case No. 245 of 2000. It is further submitted that in the first statement recorded on 9.5.2019, the witness Ranjan Kumar may not have named the petitioner for the reason that it was just a day after the occurrence and members of the family were in state of shock in a case of double murder. It is thus, prayed that the application for anticipatory bail be rejected.

Having heard learned counsel for the parties and on going through the material that has transpired in course of



investigation specially the statement of the brother of the informant Ranjan Kumar, who does not name the petitioner in his first statement recorded a day after the occurrence, the Court is inclined to enlarge the petitioner on bail. The petitioner 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 Narpatganj (Basmatiya) P.S. Case no. 281 of 2019 (G.R Case no. 1546/2019), he will be enlarged on bail on furnishing bail bond of Rs. 10,000/ (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria subject to the conditions as laid down under section 438(2) of the Cr.P.C.

**(Partha Sarthy, J)**

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