

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24066 of 2020

Arising Out of PS. Case No.-381 Year-2019 Thana- RUNISAIDPUR District- Sitamarhi

1. PRAMOD DAS S/o Sakal Das Resident of Village-Tilak Tajpur, P.S.-Runni Saidpur, District-Sitamarhi.
2. Nitesh Kumar S/o Pramod Das Resident of Village-Tilak Tajpur, P.S.-Runni Saidpur, District-Sitamarhi.
3. Santosh Kumar S/o Pramod Das Resident of Village-Tilak Tajpur, P.S.-Runni Saidpur, District-Sitamarhi.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 17-12-2020 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual Court proceedings.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 448, 341, 323, 307, 379 and 504/34 of the Indian Penal Code.

The prosecution case, in brief, is that one Sanjay Das gave his fardbeyan at Rajendra Surgical Block, P.M.C.H., Patna recorded by A.S.I., Amit Kumar alleging, *inter alia*, that while he was on his house at about 3 PM, in the meantime, all the accused persons including the petitioners entered into his house armed with lathi, danda and assaulted him causing cut



injury on upper side of eye. When his wife rushed in his rescue, she was also assaulted by them causing injury on her head.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to land dispute. As a matter of fact, petitioners and informant both are own brother and the land dispute is going on between them. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, **except petitioner no.1- Pramod Das**, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Sitamarhi in connection with Runnisaidpur P.S. Case No.381 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner no.1 on anticipatory bail. The



prayer for anticipatory bail of the petitioner no.1 is hereby rejected. However, the petitioner no.1 is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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