

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22630 of 2020

Arising Out of PS. Case No.-69 Year-2019 Thana- SINGHWARA District- Darbhanga

SUKHDEV DAS, S/o Pachkauri Das, Resident of village- Bhagwatipur, P.S.-
Singhwara, Distt- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Iqbal Asif Niazi

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-10-2020 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Since the physical court proceeding is non-functional,
due to present pandemic, COVID-19, the matter is listed with
defects.

Learned counsel for the petitioner undertakes to
remove the defects as pointed out by the office within three
weeks of normal functioning of the court, failing which the
office is directed to place the matter before the Bench.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 147, 148,
149, 324, 307, 448, 354, 379, 504 of the Indian Penal Code.

According to FIR, it is alleged that 13 accused
persons including the petitioner forming unlawful assembly



armed with various weapons arrived at the house of the informant and assaulted to the informant and his family members.

Learned counsel for the petitioner submits that the petitioner is quite innocent and has not committed any offence. The entire allegation as made against the petitioner is totally false and baseless. The petitioner has been implicated in this false and concocted case due to previous enmity and personal grudge. He further submits that as per FIR, petitioner assaulted the informant on his head by sword but the injury report is at (Annexure-4) of the bail petition shows that nature of the injury is simple caused by hard and blunt substance. The petitioner has got no criminal antecedent which is mentioned in para 3 of the bail petition. He further submits that there is admitted land dispute between the parties and there is case and counter case between the parties. As a matter of fact that both parties are the full brother and there is a dispute for partition of their ancestral property.

Learned APP for the State opposes the prayer for bail petition.

In the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or



surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-5, Darbhanga in connection with Singhwara P. S. Case No. 69 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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