

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27107 of 2020

Arising Out of PS. Case No.-33 Year-2017 Thana- KISHUNPUR District- Supaul

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1. GANESH DEO @ SANTOSH KUMAR DEO S/o Late Kamal Narayan Deo Resident of Village - Tharbitta, P.S. - Kishanpur, District - Supaul.
 2. Nunu Lal Deo @ Kaushal Kumar Deo S/O Late Kamal Narayan Deo Resident of Village - Tharbitta, P.S. - Kishanpur, District - Supaul.
 3. Raghunandan Deo @ Raghunath Deo S/O Kapleshwar Deo Resident of Village - Tharbitta, P.S. - Kishanpur, District - Supaul.
 4. Sanjay Kumar Deo S/O Jitendra Prasad Dev Resident of Village - Tharbitta, P.S. - Kishanpur, District - Supaul.
 5. Sujit Kumar Deo @ Suchit Kumar Deo S/O Jitendra Prasad Dev Resident of Village - Tharbitta, P.S. - Kishanpur, District - Supaul.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Goutam, Advocate.
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-11-2020 Heard learned counsel for the petitioners and learned
A.P.P. 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 petitioners undertakes to
remove the defects within three weeks of resumption of
physical court proceeding. In the eventuality of non-removal of
defects within undertaken period, the office will place the



matter before the Bench.

Learned counsel for the petitioners seeks permission to withdraw this application in respect of petitioner no.5-Sujit Kumar Deo @ Suchit Kumar Deo submitting that during pendency of this application petitioner no.5 has already been apprehended, as such this application in respect of petitioner no.5 has become infructuous.

Permission is granted.

Accordingly, this application, filed for grant of anticipatory bail is dismissed as infructuous in respect of petitioner no.5 only.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 354, 504 and 506 of the Indian Penal Code.

The prosecution case, in brief, is that while the informant was on way to attend the nature's call petitioner no.4 assaulted him on his head by dagger. Petitioner no.3 and co-accused Ram Subhak Deo assaulted on head and sensational part of his wife when she came to save him. Co-accused Suman Deo and Santosh Deo assaulted on the nose and mouth of her daughter and petitioner no.5 tried to outrage the modesty of her daughter. The informant further alleged that petitioner no.2 tried



to outrage the modesty of his wife and Chiniya Dev was provoking all the accused to kill the informant and his family members. The reasons behind the entire occurrence is said to be the dry bush lying besides the road.

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 dirty village politics. There is admitted land dispute between the parties. There is case and counter case between the parties. It is further submitted by learned counsel for the petitioners that the police after completion of investigation, did not submit charge sheet under Section 307 of the Indian Penal Code against the petitioners and others. He further submits that the learned Court below has, however, differed with the police report and has taken cognizance under Section 307 of the Indian Penal Code also, by order dated 04.04.2019. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Similarly situated co-accused, namely, Suman Kumar Deo and others have been enlarged on bail by a co-ordinate Bench of this court vide order dated 28.02.2020 passed in Cr. Misc. No. 86328 of 2019. Petitioners have no criminal antecedent.



Having regard to the facts and circumstances of the case, let the above named petitioners, 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 Chief Judicial Magistrate, Supaul in connection with Kishanpur P.S. Case No.33of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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