

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28770 of 2020

Arising Out of PS. Case No.-1 Year-2020 Thana- GHORASAHAN District- East Champaran

1. ANIL DAS Son of Bansi Das Resident of Village- Jamunia, P.S.- Ghorasahan (Jharokhar), District- East Champaran.
2. Sunil Das Son of Bansi Das Resident of Village- Jamunia, P.S.- Ghorasahan (Jharokhar), District- East Champaran.
3. Laxami Das Son of Bansi Das Resident of Village- Jamunia, P.S.- Ghorasahan (Jharokhar), District- East Champaran.
4. Deepak Kumar Son of Laxami Das Resident of Village- Jamunia, P.S.- Ghorasahan (Jharokhar), District- East Champaran.
5. Pramila Devi Wife of Laxami Das Resident of Village- Jamunia, P.S.- Ghorasahan (Jharokhar), District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ansul

For the Opposite Party/s : Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 17-12-2020 The learned counsel for the parties were heard at length on 15.12.2020 and the instant case has been listed today (17.12.2020) under the heading “For Orders”.

The petitioners seek regular bail in connection with Ghorasahan (Jharokhar) P.S. Case No. 01 of 2020 for the offence punishable under Sections 302/34 of the Indian Penal Code

The case of the prosecution in brief is that on 31.12.2019 at about about 2:00 P.M., the son of the informant



had gone to the market at Nepal, where some scuffle had occurred between the petitioner no.2 and the son of the informant, however, the son of the informant had returned back from Nepal to his house in the evening and had narrated about the incident to his family members. It is further alleged that on the same day i.e. 31.12.2019 at about 7:00 P.M., the petitioner no.2 had again come and abused the son of the informant to which objection was raised, however, again at about 8:00 P.M. on the same day, all the petitioners had come to the house of the informant with sticks in their hands and dragged the son of the informant to the mustard field and had assaulted him, whereafter the informant had brought his son to his house where he died subsequently at about 3:00 A.M. in the morning.

The learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in the present case. The petitioner no.1 is languishing in custody since 6.2.2020 and the petitioners no. 2 to 5 are in custody since 2.3.2020. The learned counsel for the petitioners has further submitted that a general and omnibus allegation has been levelled against the petitioners and the informant is not the eye witness of the alleged occurrence, hence, the petitioners cannot be stated to be having any



complicity in the matter.

The learned APP appearing for the State has vehemently opposed the prayer for regular bail, made by the petitioners.

Having considered the submissions made by the learned counsel for the parties and having considered the materials on record as also those available in the case diary, this Court finds from the post-mortem report that the deceased had received grievous injuries, resulting in his death and though a general and omnibus allegation has been levelled against all the accused persons, however, it appears that the son of the informant had an altercation mainly with the petitioner no.2 and the petitioner no.2 was instrumental in abusing and assaulting the son of the informant, resulting in his death, though the other accused persons cannot be given a clean cheat, however, for the purposes of consideration of the present bail petition, this Court finds that benefit of doubt can be granted to the petitioners no.1 and 3 to 5, hence, I deem it fit and proper to admit the petitioner no.1 and petitioners no. 3 to 5 to the privilege of regular bail, however, the prayer for bail qua the petitioner no.2 namely Sunil Das stands rejected.

Accordingly, the petitioners no. 1 and 3 to 5 namely



Anil Das, Laxmi Das, Deepak Kumar and Pramila Devi, respectively are directed to be released on regular bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sikrahana at Dhaka, East Champaran, Motihari in connection with Ghorasahan (Jharokhar) P.S. Case No. 01 of 2020.

(Mohit Kumar Shah, J)

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