

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11783 of 2021

Arising Out of PS. Case No.-448 Year-2020 Thana- BARACHATTI District- Gaya

1. Indradeo Das Son Of Ramkishun Das Resident Of Village- Kurmawan, Police Station- Barachati, Distt- Gaya.
2. Ramashish Das Son Of Indradeo Das Resident Of Village- Kurmawan, Police Station- Barachati, Distt- Gaya.
3. Ramji Das @ Ramjit Das Son Of Indradeo Das Resident Of Village- Kurmawan, Police Station- Barachati, Distt- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narayan, Sr. Adv.
	:	Mr. Umesh Kumar Verma
For the Opposite Party/s	:	Mr. Nikhilesh Kumar
	:	Mr. Binod Kumar Sinha
	:	Mr. Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-09-2021 Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners seek bail in connection with Barachati Police Station Case No. 448 of 2020 registered for the offence punishable under Sections 341, 323, 308, 504/34 of the Indian



Penal Code, later on Section 302 of the IPC was added.

The prosecution case is that on 27.07.2020 at about 1:00 pm the father of informant was present in the committee of Govt. School then *Ramashish Das* and *Ramjit Das* argued with his father without any reason and started assaulting him. After hearing hulla, uncle, brother and cousin of the informant came to save his father then the above named accused persons assaulted them as a result of which informant's uncle got head injury.

It is submitted by learned counsel for the petitioners that petitioners have falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that prior to the alleged occurrence the petitioner No. 1 has lodged case *vide* Barachati Police Station Case No. 447 of 2020 dated 27.07.2020, under Sections 504, 341, 323, 308/34 of the Indian Penal Code against the informant and others regarding abuse and assault to petitioner No. 1 and his daughter-in-law. He submits that in the F.I.R. it has not been stated that which accused person was carrying which weapon. He further submits that informant and his associates were aggressive and during self-defence said *Pintu Das* might have sustained injury and died due to latches and there was not intention to kill him. The



allegation levelled against the petitioners is not specific rather general and omnibus in nature. The petitioners have no criminal antecedent as has been mentioned in para 3 of this bail application and they are languishing in custody since 25.08.2020.

Learned APP for the State and learned counsel for the informant vehemently opposed the bail petition and submits that petitioner along with other accused persons assaulted the deceased and during the course of treatment, he died.

Considering the facts aforesaid, the above named petitioners are directed to be enlarged on bail, 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 court below where the case is pending/successor Court in connection with Barachati Police Station Case No. 448 of 2020 subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioners who will give on affidavit genealogy as to how he is relative to petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioners are made accused



in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioners shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioners shall co-operate with the investigation, if not already concluded and make themselves available and when so required and in the case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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