

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.19728 of 2021

Arising Out of PS. Case No.-249 Year-2020 Thana- PAKRIDAYAL District- East Champaran

1. VINOD KUMAR @ VINOD DAS, S/O RAM AYODHAYA DAS, R/O VILLAGE-PAKRIDEYAL TOLA JAGTIYA WARD NO.3, P.S-PAKRIDEYAL, DISTRICT-EAST CHAMPARAN
 2. MANJIT KUMAR @ MANJIT DAS, S/O SRI BHAGWAN DAS, R/O VILLAGE-PAKRIDEYAL TOLA JAGTIYA WARD NO.3, P.S-PAKRIDEYAL, DISTRICT-EAST CHAMPARAN
 3. MUKESH KUMAR @ MUKESH DAS, S/O SRI BHAGWAN DAS, R/O VILLAGE-PAKRIDEYAL TOLA JAGTIYA WARD NO.3, P.S-PAKRIDEYAL, DISTRICT-EAST CHAMPARAN
 4. MANOJ DAS, S/O RAM AYODHAYA DAS, R/O VILLAGE-PAKRIDEYAL TOLA JAGTIYA WARD NO.3, P.S-PAKRIDEYAL, DISTRICT-EAST CHAMPARAN
 5. PARMA DAS, S/O LATE SUKAI DAS, R/O VILLAGE-PAKRIDEYAL TOLA JAGTIYA WARD NO.3, P.S-PAKRIDEYAL, DISTRICT-EAST CHAMPARAN
 6. SHUSHILA DEVI, W/O SRI BHAGWAN DAS, R/O VILLAGE-PAKRIDEYAL TOLA JAGTIYA WARD NO.3, P.S-PAKRIDEYAL, DISTRICT-EAST CHAMPARAN
 7. RAMAWATI DEVI, W/O RAM AYODHYA DAS, R/O VILLAGE-PAKRIDEYAL TOLA JAGTIYA WARD NO.3, P.S-PAKRIDEYAL, DISTRICT-EAST CHAMPARAN
 8. SRI BHAGWAN DAS, S/O PARMA DAS, R/O VILLAGE-PAKRIDEYAL TOLA JAGTIYA WARD NO.3, P.S-PAKRIDEYAL, DISTRICT-EAST CHAMPARAN
 9. SUNITA DEVI, W/O VIJAY DAS, R/O VILLAGE-PAKRIDEYAL TOLA JAGTIYA WARD NO.3, P.S-PAKRIDEYAL, DISTRICT-EAST CHAMPARAN
- ... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners	:	Mr. Vijay Shankar Shrivastava, Adv.
For the State	:	Mr. A.M.P. Mehta, APP
For the Informant	:	Mr. Anil Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 23-06-2021 As prayed for, through video conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide it's note, dated 12.3.2021, within four weeks of starting of the Court proceeding in physical mode



properly.

Heard the parties through video conferencing.

The learned counsel for the petitioners seeks permission to withdraw this application, so far it relates to Sri Bhagwan Das (petitioner no. 8) as the petitioner, during the pendency of this application, has been taken into custody.

Prayer is allowed.

Accordingly, this application is **dismissed as withdrawn** in respect to petitioner no. 8, Sri Bhagwan Das.

The petitioners no. 1 to 7 and 9 seek pre-arrest bail in connection with Pakaridayal P.S. Case No. 249 of 2020, registered under Sections 147, 341, 342, 323, 447, 307, 354, 379 and 504 of the Indian Penal Code.

The accusation is that on 09.10.2020 at about 08.00 p.m., informant, Sanjiv Das, after taking the dinner, was present at his door. At that time, ten persons named in the first information report, including Vinod Kumar @ Vinod Das (petitioner no. 1), Manjit Kumar @ Manjit Das (petitioner no. 2), Mukesh Kumar @ Mukesh Das (petitioner no. 3), Manoj Das (petitioner no. 4), Parma Das (petitioner no. 5), Sushila



Devi (petitioner no. 6), Ramawati Devi (petitioner no. 7) and Sunita Devi (petitioner no. 9) variously armed with weapon, came there and started to abuse and cause assault. At that time, Mukesh Kumar @ Mukesh Das (petitioner no. 3) gave the iron rod blow on the head of the informant causing blood oozing injury. Manoj Das (petitioner no. 4) and Vinod Kumar @ Vinod Das (petitioner no. 1) also caused injury through lathi at his back, legs and hands, then he fell down by raising alarm. When his wife and others rushed to save him, then, Sushila Devi (petitioner no. 6), Ramawati Devi (petitioner no. 7) and Sunita Devi (petitioner no. 9) caught hold her hair and laid her on ground. At that time, Ramawati Devi (petitioner no. 7) snatched the gold chain from her neck and Sushila Devi (petitioner no. 6) snatched the silver payal (anklets) from the leg. Cause of occurrence is land dispute.

Submission is that while Manjit Kumar @ Manjit Das (petitioner no. 2), Parma Das (petitioner no. 5), Sushila Devi (petitioner no. 6) and Ramawati Devi (petitioner no. 7) are named in the first information report, but, there is no specific overt act against them to cause assault. Further, submission is



that allegation against Vinod Kumar @ Vinod Das (petitioner no. 1) and Manjit Kumar @ Manjit Das (petitioner no. 2) is to cause injury to the informant through lathi at his back, hands and legs, which are not the vital part. Only allegation is against Mukesh Kumar @ Mukesh Das (petitioner no. 3) to give the iron rod blow causing blood oozing injury on the head of the informant.

Having regard to the facts and circumstances of the case, let the petitioners, Vinod Kumar @ Vinod Das (petitioner no. 1), Manjit Kumar @ Manjit Das (petitioner no. 2), Manoj Das (petitioner no. 4), Parma Das (petitioner no. 5), Sushila Devi (petitioner no. 6), Ramawati Devi (petitioner no. 7) and Sunita Devi (petitioner no. 9), in the event of arrest/surrender, within a period of four weeks from today, in connection with Pakaridayal P.S. Case No. 249 of 2020 shall be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, East Champaran at Motihari, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.



Taking into consideration the nature of allegation of causing head injury to informant against Mukesh Kumar @ Mukesh Das (petitioner no. 3), I am not inclined to allow the privilege of pre-arrest bail to him. Accordingly, his prayer for pre-arrest bail is **rejected** with direction to him to surrender before the Court below and seek regular bail, which shall be considered by the trial Court on its own merit, without being prejudiced of this order.

(Rajendra Kumar Mishra, J)

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