

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39644 of 2020

Arising Out of PS. Case No.-281 Year-2019 Thana- NARPATGANJ District- Araria

1. Sanjay Das, aged about 42 years, Male, S/o Naresh Das
2. Kailash Das, aged about 31 years, Male, S/o Ravindra Das @ Ravindra Chandra Das
3. Manjesh Das, aged about 19 years, Male, S/o Ravindra Das @ Ravindra Chandra Das
4. Nipendra Das @ Nipendra Chandra Das, aged about 39 years, Male, S/o Ravindra Das @ Ravindra Chandra Das, all resident of Village- Refugy Colony, Ward No.03, Basmatia, P.S.- Narpatganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 10-03-2021 A counter affidavit has been filed on behalf of the informant, which is kept on record.

Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners seek bail in connection with Narpatganj (Basmatiya) P.S. Case No. 281 of 2019 registered for the offences punishable under Sections 302, 120B, 34 of the Indian Penal Code.

The allegation against the petitioners is that the petitioners along with 66 other accused persons assaulted the



father and brother of the informant due to which they sustained injury and died.

Learned counsel for the petitioners submits that the petitioners are in jail custody since 27.06.2020 and there is no allegation of tampering with the witness against the petitioners. Altogether 66 persons are named in the F.I.R. As per the informant, the deceased were returning home and the accused persons assaulted the deceased. The informant is not an eye witness to the manner of occurrence. Later on, a witness namely Raghunath Das claimed that he was also accompanying the deceased and hence he explained the manner of occurrence. His name does not figure in the F.I.R. The petitioners are named in the F.I.R. and others named F.I.R. accused persons have been granted bail vide Annexure-3 series.

Learned counsel for the informant has opposed the prayer for bail and submits that petitioner no.4, Nipendra Das and petitioner no.2, Kailash Das are already convicted under Sections 147, 148, 448, 325, 307/34 of I.P.C. in Sessions Trial No.55 of 2003/30 of 2012 by the court of learned Additional Sessions Judge, Araria by order dated 17.01.2014. He further submits that the petitioner nos.2 and 4 are also accused in Narpatganj (Basmatia) P.S. Case No.245 of 2000. Allegation



against the petitioner no.1 is that the petitioner no.1 has assaulted the deceased by iron rod.

There is general and omnibus allegation against these petitioners and other accused persons and similarly situated co-accused have been granted bail by different Co-ordinate Bench of this Court. Charge has already been framed.

In the facts and circumstances of the case, let the above named petitioners be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each only with two sureties of the like amount each to the satisfaction of learned C.J.M., Araria in connection with Narpatganj (Basmiatiya) P.S. Case No. 281 of 2019.

(Anjani Kumar Sharan, J)

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