

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33346 of 2020

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

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1. BASUDEV DAS @ BASUDEO DAS @ VASUDEV DAS Son of Nilkanth Das, Resident of Village- Bela, Refugy Colony, Ward No. 03, P.S.- Narpatganj, District- Araria.
 2. Budha Das @ Budha Charan Das @ Budha Chandra Das Son of Basudev Das @ Basudeo Das @ Vasudev Das, Resident of Village- Bela, Refugy Colony, Ward No. 03, P.S.- Narpatganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sharda Nand Mishra, Adv.
For the State	:	Mr.Parmeshwar Mehta, APP
For the Informant	:	Mr. Yogesh Chandra Verma, Sr. Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

7 27-01-2021 Ms. Priyanka Singh filed a fresh vakalatnama on behalf of the informant. Let the vakalatnama be kept on record.

Heard Mr. Sharda Nand Mishra, learned counsel for the petitioners, Mr. Parmeshwar Mehta, learned APP and Mr. Yogesh Chandra Verma, learned senior counsel for the informant.

Petitioners seek bail in Narpatganj (Basmatiya) P.S. Case No.281 of 2019 registered under Sections 302, 120B and 34 of the IPC.

One Bharat Kumar Das (informant) alleged that since the year 2000 co-accused Ram Chandra Das was exerting pressure to withdraw the case lodged against him and others. Pawan Kumar (brother of the informant) was doing pairvi in the case and on account of such, Ram Chandra Das along with his



associates entered into the house of the informant on the eve of Holi and committed loot in the house and thereafter Ram Chandra Das again exerted pressure to withdraw the case. It is further alleged that on 07.05.2019 a panchayati was held at the door of Ram Chandra Das where co-accused Safitullah, the Mukhiya of Bela Panchayat, was also present. On 08.05.2019 Adhan Chandra Das (father of the informant) and Pawan Kumar (brother of the informant) were coming on a motorcycle from Banaily Pan but when they reached near culvert, Ram Chandra Das and others including the petitioner indiscriminately assaulted the father and brother of the informant and killed them on the spot.

Learned counsel for the petitioners submits that 66 persons are named in the F.I.R. and almost all the witnesses have made omnibus and general allegation of assault against all 66 persons. One Raghunath Das in para 30 of the case-diary also made omnibus and general allegation against all 66 persons but in his subsequent statement recorded after more than two months from his first statement, he made specific allegation against the petitioners that the petitioners assaulted the deceased. It is further submitted that 34 persons have been granted bail by different benches of this Court. Therefore, the



petitioners also deserve bail.

Learned counsel for the informant, however, vehemently opposed the prayer for bail.

Having considered the submissions of both sides and on perusal of the record, it appears that altogether 66 persons are named in the F.I.R and they all are alleged to have assaulted the father and the brother of the informant. The father and the brother of the informant died on the spot. The postmortem report also shows that both the deceased got multiple injuries on different parts of their bodies but since similarly situated many other accused persons have been granted bail by different benches of this Court (vide Annexure 3 series), the petitioners also deserve bail.

Taking into consideration the facts aforesaid, both petitioners named above are directed to be released on bail on furnishing bail bonds of Rs.10,000/-(rupees ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M., Araria in connection with Narpatganj (Basmatiya) P.S. Case No.281 of 2019.

(Prabhat Kumar Jha, J)

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