

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37341 of 2020

Arising Out of PS. Case No.-135 Year-2020 Thana- MADHUBAN District- East Champaran

1. Ram Chandra Das Son of Charitra Das
 2. Sanjay Das Son of Kapil Das
 3. Krim Chandra Das Son of Pahari Das
 4. Kapil Das Son of Ramashish Das
 5. Binda Das Son of Charitra Das
- All are residents of Village - Dhabauliya, P.S. - Madhuban, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajesh Ranjan, Adv.
For the State	:	Mr.APP
For the Informant	:	Mr. Pramod Kumar Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 25-06-2021 Heard both sides through video conferencing.

Learned counsel for the petitioners submits that petitioner No.2(Sanjay Das)has already been arrested and, therefore, he seeks permission to withdraw the anticipatory bail petition filed on behalf of Sanjay Das(petitioner No.2).

Prayer is allowed. The anticipatory bail petition filed on behalf of Sanjay Das(petitioner No.2) is dismissed as withdrawn.

The petitioner No.1(Ram Chandra Das), petitioner No.3(Krim Chandra Das), petitioner No.4(Kapil Das) and



petitioner No.5(Binda Das) apprehend their arrest in Madhuban P.S. Case No.135 of 2020 registered under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code.

The informant, Maujelal Sah altogether named ten persons and alleged that on 18.05.2020, he got information that Ram Chandra Das was forcibly filling earth on his land. The informant went there and forbid him but in the meantime, Sanjay Das, Balak Das, Binda Das, Krim Chandra Das and others having armed with different weapons came there. Ram Chandra Das ordered Binod Das to kill him. On such, Sanjay Das assaulted Maujelal Sah on his head with axe. Hearing the sound of screaming of the informant, Surendra Prasad, the younger brother, Dharmendra Kumar @ Bhola Sah, the cousin and Omprakash, the nephew of the informant came. Ram Chandra Das assaulted Surendra Prasad with farsa. Surendra Prasad got deep injury on his head. Balak Das also assaulted Dharmendra Kumar with iron rod. Thereafter, all the accused persons assaulted Omprakash, the nephew of the informant and the accused persons also snatched different articles from the possession of the informant and others.

The learned counsel for the petitioners submits that



there is a counter version being Madhuban P.S. Case No.136 of 2020. The petitioners have not annexed the injury report but from perusal of the order of the learned Sessions Judge, it would appear that three persons from the side of the informant namely, Maujelal Sah, Surendra Prasad and Bhola Sah received injury. Out of three persons, Surendra Prasad and Maujelal Sah got grievous injury on their head. The author of the injury of Surendra Prasad is Ram Chandra Das(petitioner No.1). Sanjay Das(petitioner No.2), who has already been arrested, is the author of the injury found on the head of Maujelal Sah. No specific allegation is made against petitioner No.3, petitioner No.4 and petitioner No.5 but they along with others are alleged to have assaulted Bhola Sah. Bhola Sah got simple injury.

Learned A.P.P. opposed the prayer for anticipatory bail.

Perused the record. There is specific allegation that Ram Chandra Das(petitioner No.1) is alleged to have assaulted Surendra Prasad, the younger brother of the informant with farsa on his head and the injury found on Surendra Prasad is grievous in nature. Therefore, I am not inclined to enlarge Ram Chandra Das(petitioner No.1) on anticipatory bail. Accordingly, the same is rejected.



So far as the case of petitioner Nos.3, 4 and 5 is concerned, they along with other accused persons are alleged to have assaulted Bhola Sah. Bhola Sah got simple injury as it appears from the order of the learned Sessions Judge and no specific allegation of assault is made against these three petitioners. There is a counter version and the occurrence took place due to land dispute.

Taking into consideration the facts aforesaid, let the petitioner No.3(Krim Chandra Das), petitioner No.4(Kapil Das) and petitioner No.5(Binda Das) in the event of their arrest or surrender within a period of four weeks be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. IV, East Champaran, Motihari in connection with Madhuban P.S. Case No.135 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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