

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41122 of 2020

Arising Out of PS. Case No.-472 Year-2020 Thana- SAHARSA District- Saharsa

1. Suraj Das @ Surya @ Suryaprakash Son of Gauri Shankar Das Resident of Village - Gandhi Path , Ward No.21, P.S.- Saharsa Sadar, Distt.- Saharsa.
2. Md. Shahnawaj Hussain @ Rocky Denger Son of Lal Mohammad Resident of Village - Gandhi Path , Ward No.21, P.S.- Saharsa Sadar, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh, Adv.
For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 17-03-2021 Heard learned counsel for the petitioners and learned A.P.P for the State through video conferencing.

The petitioners have filed the instant application for grant of regular bail in connection with Saharsa Sadar P.S. Case no. 472 of 2020 registered under sections 307, 147, 149, 341, 323, 324, 379, 504 and 506 of the Indian Penal Code.

As per allegation in the F.I.R., it is stated that over a minor dispute in the morning hours, the 14 named accused persons including the two petitioners herein came and started to abuse the informant and the members of his family. It is further stated that Reshma Sharma @ Minti Mistri assaulted the informant. He is the leader of a gang. Further specific



allegations have been made against Chausan Kumar, Gauri Shankar Das and Satyam Kumar.

It is submitted by learned counsel for the petitioners that except for the petitioners being named as members of the unlawful assembly in the F.I.R., no overt act has been alleged against him. The allegations are general and omnibus in nature. Further referring to the detailed order of the learned Court below dealing with the injury of the informant which has come in paragraph 28 of the case diary, it is submitted that from perusal of the F.I.R. the said injury is directly attributable to Reshma Sharma @ Minti Mistri. There is a case and counter case between the parties and the petitioners have been falsely implicated because of land dispute. The petitioners have no criminal antecedent, they are in custody since 25.6.2020 and investigation with respect to these two petitioners have concluded.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the specific allegation in the F.I.R. being against Reshma Sharma @ Minti Mistri, Chausan Kumar, Gauri Shankar Das and Satyam Kumar and not the petitioners



herein, their period in custody and their not having any criminal antecedent, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to be enlarged on bail in connection with Saharsa Sadar P.S. Case no. 472 of 2020 on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Saharsa.

(Partha Sarthy, J)

Bibhash/-

U		T	
---	--	---	--

