

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5322 of 2021

Arising Out of PS. Case No.-376 Year-2019 Thana- BARACHATTI District- Gaya

1. Sanjay Das @ Sanjay Ravidas S/o Ganpat Das Resident of Vill.- Sarsoabad, P.S. (Mohanpur) Barachatti, Distt.- Gaya
2. UMESH DAS @ UMESH KUMAR S/o Ganpat Das Resident of Vill.- Sarsoabad, P.S. (Mohanpur) Barachatti, Distt.- Gaya
3. Dabloo Kumar S/o Vijay Resident of Vill.- Sarsoabad, P.S. (Mohanpur) Barachatti, Distt.- Gaya
4. Ishwar Lal Das S/o Prashad Das Resident of Vill.- Karhadih, P.S. Tankuppa, Distt.- Gaya
5. Baldeo Das S/o Keshar DAs R/o Village- Bankat, P.S. (Mohanpur) Barachatti, Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Murad Ashraf
For the Opposite Party/s : Mr. N. N. Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-08-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the Office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in a case registered under Sections 147, 148, 149, 323, and 302 of the Indian Penal Code.

The prosecution allegation, in short, is that on the



issue of flag hoisting, the accused persons assaulted brother and other family members of the informant due to which the brother of the informant sustained injury and later died while going to hospital.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. Specific allegation of assault is alleged against co-accused Dilip Das who is alleged to have assaulted the deceased. There is a case and counter case between the parties. A free fight is alleged to have taken place. The father of petitioner no. 1 is also said to have died in course of the occurrence. The death has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances and also the lockdown, the petitioners, above named, in the event of arrest/surrender before the learned court below within a period



of twelve weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of learned A.C.J.M., Sherghati, Gaya in connection with Barachatti (Mohanpur) P.S. Case No. 376/19, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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