

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2621 of 2021

Arising Out of PS. Case No.-97 Year-2020 Thana- KHODAWANDPUR District- Begusarai

1. GANGO DAS Son of Ram Prasad Das Resident of Village - Bajitpur, P.S. - Khodawandpur (Chhaurahi O.P.), District - Begusarai.
2. Anil Das Son of Ram Prasad Das Resident of Village - Bajitpur, P.S. - Khodawandpur (Chhaurahi O.P.), District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikramdeo Singh, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 16-06-2021 Heard Mr. Vikramdeo Singh, learned counsel for the petitioners and Mr. Nawal Kishore Prasad, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners seek regular bail in connection with Khodawandpur (Chhaurahi) P.S. Case No. 97 of 2020 registered for the offences punishable under Section(s) 147, 148, 149, 323, 324, 307, 379 of the Indian Penal Code, 1860 and Section 27 of the Arms Act. Subsequently, Section 302 of the Indian Penal Code was added.

The allegation against the petitioners as per the First Information Report is that they along with other co-accused



persons armed with weapons were harvesting the maize crops on a disputed piece of land which was objected by the informant and his family members, due to which, one Jai Ram Das assaulted the wife of the informant by means of *Farsa* and Munna Thakur assaulted Laxman Paswan by means of rod. It has further been alleged that other co-accused persons including the petitioners have also assaulted the side of the informant by means of *lathi*, *danda* etc.

Learned counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and they have falsely been implicated in this case on the basis of land dispute which is going on between the parties since 1978. Learned counsel further submits that from perusal of the First Information Report, it would be evident that there is general and omnibus allegation of assault by means of *lathies* against the petitioners and there is specific allegation of assault by means of *Farsa* is upon co-accused Jai Ram Das. Learned counsel next submits that after lodging of the First Information Report, one case was registered against both of the petitioners for the offences under Sections 447, 353, 193 and 188/34 of the Indian Penal Code. Learned counsel next submits that the petitioners are in custody since 3.6.2020 and 12.6.2020



respectively.

Having heard learned counsel for the parties and taking into consideration the materials on record, the fact that the allegation against the petitioners are general and omnibus in nature, there is a land dispute between the parties and the petitioners are in custody since 3.6.2020 and 12.6.2020 as well as charge sheet has already been submitted in the matter, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Manjhaul, Distt. Begusarai, in connection with Khodawandpur (Chhaurahi) P.S. Case No. 97 of 2020.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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