

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.2181 of 2021**

Arising Out of PS. Case No.-407 Year-2020 Thana- MADHEPURA District- Madhepura

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Bucho Das @ Buchai Das, Son Of Late Sukhdeo Das, Resident of Village -  
Dhurgoan, Ward No.01, P.S.- Madhepura, (Bharrahi O.P.), Distt.- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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with

**CRIMINAL MISCELLANEOUS No. 5965 of 2021**

Arising Out of PS. Case No.-407 Year-2020 Thana- MADHEPURA District- Madhepura

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Badri Das, Son of Late Sukhdeo Das, R/O Village-Dhurgoan, Ward  
No.01, P.S.-Madhepura (Bharrahi O.P.), District-Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 2181 of 2021)

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

(In CRIMINAL MISCELLANEOUS No. 5965 of 2021)

For the Petitioner/s : Mr. Nafisuzzoha, APP

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
ORAL ORDER

7      16-07-2021      Learned counsel for the petitioner(s) undertakes to  
  
remove all the defects as pointed out by office within four  
  
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner(s) and  
  
learned APP for the State in both the applications.

The petitioner(s) in both the applications are seeking



regular bail in connection with Madhepura P.S. Case No. 407 of 2020 registered for the offences punishable under Sections 341, 323, 324, 307, 354, 506, 379/34 of the Indian Penal Code in which Section 302 IPC was added later on.

Learned counsel for the petitioner(s) submits that on reading of the FIR it will appear that altercation took place between the parties in which it is alleged that all the accused persons started assaulting the informant and co-accused Shrawan Das is alleged to have assaulted Anmol Kumar by iron rod on his head, resulting he fell down. It is further alleged that Bucho Das assaulted on the head of Rajesh Das causing head injury to him.

Learned counsel for the petitioner(s) submits that so far as these two petitioners are concerned, petitioner no. 1 is said to be the order giver whereas petitioner no. 2 has allegedly assaulted Rajesh Das. The specific allegation of causing assault on the head of the deceased Anmol Kumar is against co-accused Shrawan Das who has allegedly assaulted him on his head by iron rod. There is no specific allegation that these two petitioners had caused any overt act as against the deceased. The injuries on the body of Rajesh Das have been found to be simple in nature.



It is further submitted that the petitioners have remained in custody since 11.06.2020 and 08.08.2020 respectively, investigation against them is complete but the trial is not likely to take place in near future.

On the other hand, Mr. Ram Naresh Ray, learned APP for the State has opposed the prayer for regular bail of the petitioners but after going through the case diary accepts that so far as the deceased is concerned, the fatal blow was given by the co-accused and the injuries on the body of Rajesh Das whom the petitioner no. 2 has allegedly assaulted are simple in nature.

Considering the facts and circumstances of the case, for the submissions recorded hereinabove, the petitioners are not the assailants of the deceased, this Court directs release of the petitioner(s) above named on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Madhepura in connection with Madhepura P.S. Case No. 407 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence



similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajeev Ranjan Prasad, J)**

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

