

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5227 of 2021

Arising Out of PS. Case No.-281 Year-2019 Thana- NARPATGANJ District- Araria

1. Sukhcharan Das Son of Kalachand Das Resident of Village - Bela Refugee Colony ward no. 03, Police Station - Narpatganj (Basmatiya), District - Araria.
2. Rup Kumar Das Son of Satto Das Resident of Village - Bela Refugee Colony ward no. 03, Police Station - Narpatganj (Basmatiya), District - Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Mukesh Kumar Rana, Adv.
For the Opposite Party/s :	Mr. Neeraj Kumar Singh, APP
For the informant	Mr.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 24-03-2021 Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant, through video conferencing.

The petitioners have prayed for grant of regular bail in connection with Narpatganj (Basmatiya) P.S. Case no. 281 of 2019 registered under sections 302, 120B and 34 of the Indian Penal Code.

As per allegation in the FIR, sixty six named accused persons including the two petitioners herein are stated to have come variously armed with iron rod, arms etc. and killed the brother and father of the informant.



It is submitted by learned counsel for the petitioners that from perusal of the FIR itself, it would transpire that the allegations are general and omnibus in nature. The case of the petitioners stand on a similar footing to that of the other co-accused namely, Safitullah, Niranjana Das, Gaurchand Das and others who have been enlarged on bail vide orders contained in Annexure-2 series to the petition. The petitioners are in custody since 6.7.2020 i.e. for more than eight months and chargesheet has been submitted in the case.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that not only the petitioners are named in the FIR but have actively participated in the brutal murder of two persons. It is submitted that it has come during course of investigation that the petitioner no. 1 was the supplier of arms while petitioner no. 2 participated in the occurrence and assaulted with iron rod. Further both the petitioners have criminal antecedent.

Having heard learned counsel for the parties and taking into consideration the general and omnibus allegations as levelled in the FIR together with the fact that the allegations against the petitioner no. 2 of overt act has come by a eye



witness but more than two months after the occurrence together with the chargesheet having submitted in the case and grant of bail to co-accused, the Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Narpatganj (Basmatiya) P.S. Case no. 281 of 2019 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 Chief Judicial Magistrate, Araria.

(Partha Sarthy, J)

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