

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7693 of 2021

Arising Out of PS. Case No.-401 Year-2020 Thana- JAMUI District- Jamui

1. Deepak Kumar Rawat @ Deepak Rawat S/O BIRENDRA RAWAT Resident Of Village - Nawkadih (Bukar), P. S. - Jamui, District -
2. Amit Kumar Patel S/O Ajeet Rawat Resident Of Village - Nawkadih (Bukar), P. S. - Jamui, District -

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Yogesh Chandra Verma, Sr. Adv. Mr.Anuj Kumar, Adv.
For the Opposite Party/s	:	Mr.Sanjay Kumar Tiwary, APP
For the Informant	:	Mr.Md.Najmul Hodda, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-09-2021 Heard the parties through virtual court proceeding.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, office will place the matter before the Bench.

The petitioners seek bail in connection with Jamui P.S. Case No.401 of 2020, registered for the offence punishable under Sections 147, 148, 149, 341, 342, 323, 324, 325, 363, 364, 307, 302, 120(B), 201, 506, 153-A, 295-A of the Indian Penal Code.

The prosecution is based upon the statement of one Akbar Khan who claims that when he along with his brother Ibram Khan were going on motorcycle to Jamui, they were taken to a place



where about 25 named accused and 20-25 unknown persons who were all lashed with weapons. The brother of the informant was pulled down and taken to a Anganbari Centre where both of them were assaulted. It is alleged that co-accused Pinki Devi and Indu Devi instigated to other co-accused to kill them whereupon this petitioner assaulted Akbar Khan on his head and others assaulted him by Lathi, Danda, hand and fists blow. Akbar Khan claims that he had suffered head injury and fracture in his hand in the occurrence. He further claimed that Ibram Khan was assaulted by co-accused Sunil Rawat, Vijay Rawat, Mahesh Rawat and Prakash Yadav. Allegations have also been made against others saying that they had also assaulted both the brothers. It is claimed that Akbar fled away from Anganbari Centre through a window and reached his house on the next day and disclosed the occurrence to his brother. On the next day one dead body was found which was beheaded and then it was found that the beheaded body was of Ibram Khan.

It is submitted by learned Senior Counsel for the petitioners that petitioners are quite innocent and have not committed any offence as alleged in the FIR. They have been falsely implicated in this case merely on personal vengeance. There is no specific overt act against the petitioners and the allegations upon them are



general and omnibus in nature. The allegation against petitioner no.1 is that he was a member of the mob and petitioner no.2 is not named in the FIR. It is evident from the FIR that Akbar Khan was brutally assaulted by almost fifty accused, however, no injury report of a single injury has been attached with FIR. No incriminating article has recovered from the conscious physical possession of the petitioners. Several similarly situated co-accused have already been allowed bail by different benches of this Court vide orders passed in Cr. Misc. No.8798 of 2021 dated 06.08.2021 and Cr. Misc. No.27141 of 2020 dated 30.07.2021. The petitioners have no criminal antecedent and have been languishing in custody since 28.02.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, since there is general and omnibus allegation against the petitioners, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Jamui, in connection with Jamui P.S. Case No.401 of 2020.

(Anjani Kumar Sharan, J)

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