

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25970 of 2021

Arising Out of PS. Case No.-367 Year-2019 Thana- KALYANPUR District- Samastipur

RAJESH DAS S/o Surendra Das R/o Village- Basudevpur, P.S.- Kalyanpur,
Dist- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Harshvardhan, Advocate

For the Opposite Party/s : Mrs. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-05-2022 Heard the parties.

The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 302/34 of the IPC.

Allegation against the petitioner is that he along with other accused persons has assaulted the informant's brother, due to which he died in course of treatment.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. The specific allegation is against the co-accused Sunil Das, Ganeshi Das and Nitish Kumar. It is submitted that the informant is not the eye-witness to the alleged occurrence. There is an admitted land dispute between the



parties and on the alleged date, petitioner was not present in the village. Petitioner has no criminal antecedent. Co-accused Anil Das @ Anil Kumar Das and Rajendra Das have been granted anticipatory bail by co-ordinate bench of this Court vide Cr. Misc. No.27832 of 2020 on 27.11.2020 and Sunil Das, against whom there is specific allegation has also been granted regular bail vide Cr. Misc. No.32028 of 2020 on 25.01.2021.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since there is no specific allegation against the petitioner and similarly situated co-accused have been granted bail, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Kalyanpur P.S. Case No.367/2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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