

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19893 of 2022

Arising Out of PS. Case No.-376 Year-2019 Thana- BARACHATTI District- Gaya

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DILIP DAS @ DILIP KUMAR DAS S/o Maheshi Das Resident of Village -
Sarsoabad, P.S. Mohanpur, (Barachatti), District - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Murad Ashraf
For the Opposite Party/s : Mr.Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 15-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Barachatti (Mohanpur) P.S. Case no. 376 of 2019 instituted for the offence under Sections 147, 148, 149, 323 and 302 of the Indian Penal Code.

As per allegation in the FIR, over a dispute on the occasion of Independence Day, an scuffle took place between the villagers and Aanganwari Sevika Sangita Kumari, on 21.08.2019 a meeting was called for by Police Station to settle the dispute. On the same day at evening, while brother of the informant (deceased) was standing in front of his house, eleven accused persons including the petitioners after making an



unlawful assembly, surrounded him and started to assault him by means of lathi and danda. Specific allegation against the petitioner is that he has assaulted the deceased by means of knife as a result of which he fell down on the ground in unconscious state and in way to hospital, he succumbed to injuries.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. Specific allegation against the petitioner is that he stabbed the deceased Rakesh Das but according to postmortem report, doctor opined that death was caused due to assault by hard and blunt substance. The fact of the prosecution is not in consonance with the postmortem report. There is case and counter case between the parties. It is further submitted by learned counsel for the petitioner that one death has occurred from both sides.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of



four weeks from today and in the event of his arrest or surrender in connection with Barachatti (Mohanpur) P.S. Case no. 376 of 2019, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Sherghati, Gaya subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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