

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25323 of 2022

Arising Out of PS. Case No.-191 Year-2021 Thana- LODIPUR District- Bhagalpur

1. Pravesh Das, Son of Late Chhattu Das, Resident of Village- Lodipur, P.S.- Lodipur, Distt.- Bhagalpur.
2. Pappu Das, Son of late Etwari Das, Resident of Village- Lodipur, P.S.- Lodipur, Distt.- Bhagalpur.
3. Chhattu Das @ Chattu Das, Son of Late Etwari Das, Resident of Village- Lodipur, P.S.- Lodipur, Distt.- Bhagalpur.
4. Raju Das, Son of Late Sohan Das, Resident of Village- Lodipur, P.S.- Lodipur, Distt.- Bhagalpur.
5. Rahul Kumar Das, Son of Raju Das, Resident of Village- Lodipur, P.S.- Lodipur, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Purushottam Kumar Das, Advocate
For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 12-10-2022 Today this case has been listed on priority basis, on the motion slip filed by the learned counsel for the petitioners praying therein that the mother of the petitioner no.4 died and Shradh is scheduled to be held on 13.10.2022.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Purushottam Kumar Das, learned counsel for the petitioners and learned APP for the State.



The petitioners seek regular bail, who are in custody in connection with Lodipur P.S. Case No. 191 of 2021 (G.R. No. 4072 of 2021) registered for the offences punishable under Sections 147, 341, 323, 324, 307 and 302 of the Indian Penal Code.

As per prosecution case, it is alleged that on 23.09.2021, at about 8.30 PM, the petitioner nos. 2, 3 and 4 came to the house of the informant and taken away his son and thereafter all the accused persons, including the petitioners, brutally assaulted him by Gupti and Hansua, as a result of which the informant's son died during the course of treatment. The reason behind the said occurrence is fetching of water from Handpump.

Learned counsel appearing on behalf of the petitioners submits that from the F.I.R., it would be evident that no specific allegation has been attributed against anyone, rather a general and omnibus allegation has been levelled against ten accused persons. He further submits that during the course of investigation only one stab injury has been found over the body of the deceased, which also demolishes the entire prosecution case that all the accused persons have brutally assaulted the deceased. He has also drawn the attention of this Court towards



the prosecution case and submits that in fact the informant is not an eye witness to the alleged occurrence. Furthermore, all the petitioners having fair antecedent and petitioner nos. 1 and 2 are in custody since 13.12.2021 whereas petitioner nos. 3 to 5 are in custody since 24.09.2021. He lastly submits that now the charge-sheet has been submitted and there is no allegation of tampering with the evidence and intimidating the witnesses.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the deceased was brutally assaulted by all the accused persons, leading to his death.

Regard being had to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation against all the accused persons, as also the post-mortem report, which does not corroborate the prosecution case, apart from the petitioners, having fair antecedent, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Lodipur P.S. Case No. 191 of 2021 (G.R. No. 4072 of 2021), subject to the condition that one of the bailors will be the close



relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain physically present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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