

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38197 of 2021

Arising Out of PS. Case No.-517 Year-2018 Thana- NAUBATPUR District- Patna

1. GORAKH NATH DAS Son of Bhundas Resident of Village- Tarawan, P.S.- Naubatpur, District- Patna.
2. Bunde Lal Das Son of Bhundas Resident of Village- Tarawan, P.S.- Naubatpur, District- Patna.
3. Rajesh Das @ Bengachi Das Son of Bhundas Resident of Village- Tarawan, P.S.- Naubatpur, District- Patna.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Bikramdeo Singh, Advocate
		Mr. Ganesh Prasad Yadav, Advocate
For the Opposite Party/s	:	Mr. Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 24-02-2022 Heard learned counsel appearing on behalf of petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

Learned counsel appearing on behalf of petitioners seeks permission to withdraw the application filed on behalf of petitioner No.1, namely, Gorakh Nath Das, son of Bhundas.

In view of the above, the application filed on behalf of petitioner No.1, namely, Gorakh Nath Das is dismissed as withdrawn.

The petitioner Nos. 2 and 3 seek regular bail in



connection with Naubatpur P.S. Case No. 517 of 2018, for the offence punishable under Sections 448, 341, 323, 324, 326, 302, 337 and 338/34 of the Indian Penal Code.

The prosecution case, in brief, is that on 19.10.2018, the neighbour of informant Ramjiwan Das and other co-accused persons including the petitioners entered into the house of the informant and assaulted her family members in which her husband Ram Kinkar Das had sustained grievous head injury and during course of treatment in P.M.C.H, he succumbed to death. It is also alleged that when the brother-in-law of the informant came to save her husband then he has also been assaulted and consequently his left hand was broken.

Learned counsel appearing on behalf of the petitioner Nos. 2 and 3 submits that the petitioners have falsely been implicated in this case. He further submits that so far as petitioner Nos. 2 and 3 are concerned, there are general and omnibus allegation against them at best they are the members of the mob. He further submits that similarly situated co-accused, namely, Vinod Mochi and Dharmendra Kumar have already been released on bail vide order dated 22.04.2019 passed in Criminal Miscellaneous No. 5612 of 2019.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.



Considering the aforementioned facts and circumstances of the case, the petitioner Nos. 2 and 3, namely, Bunde Lal Das and Rajesh Das @ Bengachi Das are directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-1, Danapur, Patna in connection with Naubatpur P.S. Case No. 517 of 2018 , subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(4) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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