

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31021 of 2022

Arising Out of PS. Case No.-195 Year-2019 Thana- JOKIHAT District- Araria

-
1. Sundar Biswas S/o Late Chamroo Biswas R/o Village - Bara Wajidpur, P.S.- Mahalgaon, District - Araria.
 2. Anil Baswas S/o Baso Biswas R/o Village - Bara Wajidpur, P.S.- Mahalgaon, District - Araria.
 3. Ashok Biswas S/o Baso Biswas R/o Village - Bara Wajidpur, P.S.- Mahalgaon, District - Araria.
 4. Pandav Biswas S/o Baso Biswas R/o Village - Bara Wajidpur, P.S.- Mahalgaon, District - Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Adv.

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 06-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with
Jokihat (Mahalgaon) P.S. Case No. 195 of 2019 lodged under
Sections 147, 148, 149, 341, 323, 379, 452, 302, 504, 506 of the
I.P.C.

As per the prosecution case, it has been stated by the
informant that due to land dispute, an earlier case was filed and

on the said date at about 11 PM, 10 named accused persons have entered in the house of the informant and started putting pressure to close the case. Specific allegation against the accused Baso Biswas to assault by *lathi* to informant and his son, when his wife interfered them, order was given by Baso Biswas to assault, in result, the accused persons started assaulting his wife and upon collection of villagers they fled away.

Learned counsel for the petitioners submit that from the contents of the F.I.R., it has been admitted that on the very next day, the old aged wife of informant was not feeling well and on the next evening she alleged to be died. Counsel for petitioners submit that the petitioners are not criminals and they are agnates/partidar of the informant. Counsel submits that due to her old age, the wife of the informant held to sustain the pressure and due to over-thinking, this occurrence has been caused. Counsel for petitioners further submit that there is one criminal case pending against the petitioners which has been filed by the same informant's side in which they are on bail, otherwise there are no criminal antecedents which has been disclosed by virtue of filing the supplementary affidavit. Counsel further submits that petitioners are in custody since 28.03.2022 and charge sheet has already been filed in this case. Counsel for petitioners further submit that the accused Baso

Biswas has been granted bail by the Co-ordinate Bench of this Court vide order dated 06.11.2019 passed in Cr. Misc. No. 48948 of 2019. Upon specific query that whether charge has been framed or not, learned counsel submits that as per his knowledge charge has not been framed in this case.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that all events has caused only with a view to withdraw the earlier case which subsequently resulted into assault by which the death caused to the wife of the informant.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioners, therefore, their bail petition is hereby rejected.

The Trial Court shall release the petitioners on bail after framing of charge imposing its own conditions so that they may not evade their appearance during trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

sadique/-

U		T	
---	--	---	--