

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48316 of 2021

Arising Out of PS. Case No.-176 Year-2020 Thana- CHANDAN District- Banka

1. KHIRO DAS Son of Jhagru Das
2. Kalbatiya Devi Wife of Degan Das
Both are resident of Village - Barmasiya, P.S. Chandan (Amarpur), District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Adv.

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 11-02-2022 Heard learned counsel for the parties through video conferencing.

The petitioners have preferred this application for grant of regular bail in a case registered under section 307 and other sections of the Indian Penal Code to which section 302 of the Indian Penal Code was added subsequently.

As per the prosecution case, accused Damru Das is stated to have assaulted Mukesh Das with *sabal* and *danda* as a result of which Mukesh Das fell down unconscious on the ground. Thereafter it is stated that Degan Das, Jhagru Das and Khiro Das (petitioner no.1) assaulted the brother of the informant with fists and slaps. The petitioner no.2 started



abusing and stated that he should be killed. Thus, the case.

It is submitted by learned counsel for the petitioners that from reading of the F.I.R. itself, it would transpire that the main allegation is against Damru Das and not the petitioners herein who have been falsely implicated in the case. The petitioners are in custody since 20.3.2021 and 21.4.2021 respectively. They have no criminal antecedent and chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the nature of allegation, the main allegation being against Damru Das and the petitioners having remained in custody for more than 9 months, the Court directs the two petitioners to be enlarged on bail in connection with Chandan (Anandpur) P.S. Case no.176 of 2020 on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka.

(Partha Sarthy, J)

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