

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39806 of 2022

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

1. JOGI DAS Son of Guddar Das Resident of village - Chhoti Parbatta, P.S.- Ismilepur, District - Bhagalpur.
2. Ramjee Das Son of Late Devi Das Resident of village - Chhoti Parbatta, P.S.- Ismilepur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-10-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Subhash Kumar, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Lodipur P. S. Case No. 191 of 2021 registered for the offences punishable under Sections 147, 341, 323, 324, 307 and 302 of the Indian Penal Code.

As per the prosecution case, it is alleged that on



23.09.2021 at about 08:30 P.M., three accused persons, namely, Pappu Das, Chhatu Das and Raju Das came to the house of the informant and took away his son Manish Kumar from the house. It is also submitted that thereafter, other accused persons eight in numbers armed with *Gupti* and *Hasua* brutally assaulted the son of the informant and when Pradeep Das and Bharat Das went to rescue the informant's son, the accused persons also assaulted them. It is further alleged that in course of treatment the son of the informant succumbed to injuries.

Learned counsel appearing on behalf of the petitioners submitted that from the tenor of the F.I.R., it would be evident that general and omnibus nature of allegation has been levelled against the eleven F.I.R. named accused persons and no specific allegation has been attributed against the petitioners. It is further submitted that specific allegation of taking away the son of the informant is levelled against three F.I.R. named accused persons, namely, Pappu Das, Chhatu Das and Raju Das. It is next submitted that from the F.I.R., it is also evident that the F.I.R. has been written by one Sunil Kumar but the said Sunil Kumar had never been examined as independent witness in the entire case diary, which also cause suspicion. It is also submitted that the petitioner having fair



antecedent, is in custody since 29.09.2021 and moreover, investigation of the crime is already complete and the charge sheet has been submitted. It is last submitted that the post mortem report only suggests a single stab injury, which also falsifies the entire prosecution case.

On the other hand, learned APP for the State opposes the bail application and submits that all the accused persons including the petitioner brutally assaulted the son of the informant resulting into his death.

Regard being had to the submissions made on behalf of the parties and taking into account the general and omnibus nature of allegation, apart from the post mortem report, which suggests a single stab blow as also the fair antecedent of the petitioner and period of incarceration, let the petitioner, above named, 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 Sub-Judge-VIII-cum-Additional Chief Judicial Magistrate-VII, Bhagalpur in connection with Lodipur P. S. Case No. 191 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the



trial.

- (ii) They will remain 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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