

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30794 of 2021

Arising Out of PS. Case No.-98 Year-2020 Thana- BAUNSI District- Banka

RAKESH DAS Son of Naresh Das Resident of Village - Gangata, P.S.-
Bounsi, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 32573 of 2021

Arising Out of PS. Case No.-98 Year-2020 Thana- BAUNSI District- Banka

NARESH DAS SON OF KALESHAR DAS RESIDENT OF VILLAGE-
GANGATA, P.S. BOUNSI, DISTRICT- BANKA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 60227 of 2021

Arising Out of PS. Case No.-98 Year-2020 Thana- BAUNSI District- Banka

JANKI DEVI Wife of Naresh Das Resident of Village- Gangata, P.S.- Bounsi,
District- Banka.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 30794 of 2021)

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

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

(In CRIMINAL MISCELLANEOUS No. 32573 of 2021)

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

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 60227 of 2021)

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

For the Opposite Party/s : Mr.Ram Anurag Singh, APP



CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 15-02-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State in virtual court proceeding.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

All the petitions have arisen out of Bounsi P.S. Case No. 98/ 2020 registered for the offences punishable under Sections 341, 323, 307, 302, 504/34 of the IPC and accordingly, a common order is being passed in all the petitions.

The gist of prosecution case is that the petitioners along with other accused had assaulted the informant's husband with lathi in a dispute arising out of digging over a piece of land. It is further alleged that co-accused Mukesh Das assaulted on the head of informant's husband with kudal.

Learned counsel for the petitioners submits that petitioners have clean antecedent and have committed no offence and they have falsely been implicated in the present case. He further submits that it appears from the FIR that there is general and omnibus allegation against the petitioners. He further submits that there is specific allegation against co-



accused Mukesh Das. He further submits that there is admitted land dispute between the parties. He further submits that petitioner Janki Devi has filed Bounsi P.S. Case No. 99/ 2020 against the present informant and her relatives. He further submits that postmortem report also reveals that only one sharp cut is found over parietal region of scalp. Learned counsel further submits that co-accused Pankaj Das and Srikant Das @ Shrikant Das have been granted bail by a co-ordinate Bench of this court vide order dated 22.02.2021 passed in Cr. Misc. No. 36211 of 2020. Petitioner, namely, Rakesh Das is in custody since 18.12.2020, petitioner, namely, Naresh Das is in custody since 16.05.2020 and petitioner, namely, Janki Devi is in custody since 08.06.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances , let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Bounsi P.S. Case No. 98/ 2020, subject to the following conditions:-

1. Petitioners shall co-operate in the trial



and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

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

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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