

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9585 of 2023

Arising Out of PS. Case No.-1067 Year-2022 Thana- KHAGARIA District- Khagaria

Dorik Das @ Dorik Ram Son of Late Rameshwar Das R/v- Dharahi Aas,
Bhadas Police Station Khagaria (Muffasil), District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bharat Bhushan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-05-2023 Heard Mr. Bharat Bhushan, learned counsel for
the petitioner and the State.

The petitioner is in custody in connection with Khagaria (Muffasil) P.S. Case No. 1067/2022 for the offences punishable under Sections 341, 323, 504, 354 and 34 of the I.P.C. lodged on 13.10.2022 by the informant Sanju Devi.

The prosecution story, in brief, is that informant Sanju Devi alleged that on 05.10.2022, her father Chandar Ram returned from fair and reached his house Darahi Aas Mushari. Her uncle Dorik Das was also seated in front of his house. Her father enquired as to why land is not partitioned. Thereafter, it is alleged that Dorik Das, Arjun Das, Bikesh Das and Krishna Das started abusing him and on protest, all the accused persons assaulted him by kick and



fist when her mother Bhulli Devi came to his rescue, she was also assaulted by them. Thereafter, Babita Devi, Binabh Devi, Puja Devi Brajesh Kumar came with 'lathi' 'danda' and started abusing her mother. Arjun Ram and Babita devi too assaulted her. The informant further stated that when her Bhabhi, Guria Devi went there, she too was assaulted. Later injured were rushed to a hospital for treatment. Accordingly, the FIR.

It has been contended by the learned counsel for the petitioner that omnibus allegation has been made against all the accused persons and further the victim was alive for 10 days before succumbing on 16.10.2022 as proper treatment was not provided to him.

Learned APP opposes the prayer stating that they have assaulted their own family members.

Considering the fact that the omnibus allegation is against the petitioner herein, he do not have any criminal antecedent and has remained in jail since 18.10.2022 (para 12 of the petition), F.I.R. has been lodged and ultimately he will have to face the trial, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, in connection with Khagaria (Muffasil) P.S. Case No. 1067/2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.



With the aforesaid observations, the application is
allowed.

(Rajiv Roy, J)

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