

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17202 of 2023

Arising Out of PS. Case No.-361 Year-2022 Thana- JOGBANI District- Araria

RAMESH DAS S/O Giranand Das R/O Village- Amouna, P.S- Jogbani,
District- Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Adv.
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-05-2023 Heard Mr. Anil Prasad Singh, learned counsel for
the petitioner and Mr. Anil Kumar, learned Additional Public
Prosecutor for the State.

2. Petitioner apprehends his arrest in connection with
Jogbani PS Case No. 361/2022 dated 13.11.2022 registered for
the offence punishable under Sections 341, 323, 324, 307, 506
and 120(B)/34 of the IPC.

3. As per allegation made in the FIR, the petitioner
along with five unknown persons assaulted the informant, her
husband and son due to dispute regarding construction of a
building upon the disputed land belonging to the informant.

4. Learned counsel for the petitioner submits that
entire family members have been made accused in the present
case due to land dispute between the informant and the



petitioner. He further submits that specific allegation of assault by means of iron rod on the head of the informant's husband is upon co-accused, Rajesh Das and the bail application of the petitioner has been rejected by the learned Sessions Judge, Araria on the ground that there is specific allegation of assault against the petitioner, namely, Ramesh Das. Learned counsel next submits that it is an error of record in the order impugned inasmuch as from perusal of the FIR, it would be evident that the specific allegation of assault is upon Rajesh Das and not upon Ramesh Das (petitioner). All other similarly situated accused persons having general and omnibus allegations have been granted anticipatory bail by the learned Sessions Judge itself. The allegation against the petitioner is also general and omnibus in nature.

5. Regards being had to the submissions made by the parties, taking into consideration the fact that in the FIR the specific allegation of assault is upon Rajesh Das and not upon the petitioner, Ramesh Das, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, let the petitioner, named above, in the event of arrest or surrender within four weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs.



10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-V, Araria in connection with Jogbani PS Case No. 361/2022 , subject to the condition as laid down under Section 438(2) CrPC.

(Anil Kumar Sinha, J)

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