

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15149 of 2023

Arising Out of PS. Case No.-435 Year-2022 Thana- MADHUBANI TOWN District-
Madhubani

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1. CHAND KISHORE DAS @ CHANDRA KISHORE DAS Son of Ram Sarup Das Resident of village - Arer Purwari Tol, P.S.- Arer, District - Madhubani
 2. Vijay Kumar Das Son of Chand Kishore Das Resident of village - Purani Durga Mandir, Bhawara, Ward No.- 23, P.S.- Madhubani (Nagar), District - Madhubani
 3. Jaimala Devi @ Jaimaya Devi Wife of Chand Kishore Das Resident of village - Purani Durga Mandir, Bhawara, Ward No.- 23, P.S.- Madhubani (Nagar), District - Madhubani
 4. Kamni Devi Wife of Ajay Kumar Das Resident of village - Purani Durga Mandir, Bhawara, Ward No.- 23, P.S.- Madhubani (Nagar), District - Madhubani
 5. Ajay Kumar Das Son of Chand Kishore Das Resident of village - Purani Durga Mandir, Bhawara, Ward No.- 23, P.S.- Madhubani (Nagar), District - Madhubani
 6. Mahesh Das @ Mahesh Kumar Das Son of Bishnu Das Resident of village - Arer Purwari Tol, P.S.- Arer, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Thakur
For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioners and learned

APP for the State assisted by learned counsel for the informant.

Learned counsel for the petitioners seeks
permission to withdraw this with regard to petitioner no. 6
application submitting that during pendency of this application
the petitioner no. 6 has already been apprehended by the police.



Permission is granted.

Accordingly, this application with regard to petitioner no. 6 is dismissed as withdrawn.

Now this application is being heard with respect to petitioners no. 1 to 5, only.

Heard learned counsel for the petitioners and learned A.P.P. for the State assisted by learned counsel for the informant.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 354(B), 307, 379, 504, 506 and 34 of the Indian Penal Code and Section 3/4 of the Dian Act.

As per the prosecution case, all the accused persons including these petitioners, armed with *khanti*, sharp *farsa*, came with an intention to kill and started assaulting indiscriminately due to which father and mother of informant were seriously injured and then fainted.

Learned counsel for the petitioners submits that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that petitioners and the



informant are the agnates and there is a dispute for road. There is case and counter case between the parties and both sides have sustained injury. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State as well as learned counsel for the informant oppose prayer for anticipatory bail and submit that the Doctor opined that the injury may be dangerous to life, it is clear from the impugned order itself.

Having regard to the facts and circumstances of the case and the fact that both the parties have sustained injuries, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Madhubani Nagar P.S. Case No.435 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

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