

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25216 of 2023

Arising Out of PS. Case No.-379 Year-2022 Thana- KONCH District- Gaya

1. Gauri Shankar Das @ Gauri Das, aged about 35 years, male, S/O Kamt Das.
 2. Pramod Das, age about 48 years, male, S/O Jairam Das
 3. Manoj Das, aged about 41 years, male, S/O Rajaram Das
 4. Sanjeev Kumar @ Sandip Das, aged about 25 years, male, S/O Mungeshwar Das.
 5. Munna Das, aged about 36 years, male, S/O Ramakant Das.
 6. Uday Das, age about 33 years, male, S/O Satyendra Das.
 7. Baby Kumari @ Baby Devi, aged about 27 years, female, W/O Uday Das.
 8. Upendra Das, age about 37 years, male, S/O Kamt Das.
 9. Rajesh Kumar, aged about 25 years, male, S/O Rambadan Das.
 10. Arti Kumari @ Aarti Devi, age about 25 years, female, W/O Suday Das.
 11. Usha Devi, aged about 25 years, female, S/O Laxman Das.
 12. Shailesh Kumar, age about 21 years, male, S/O Ram Ishwar Das.
 13. Lalita Devi, aged about 43 years, male, S/O Ram Ishwar Das.
 14. Siyaram Kumar, age about 21 years, male, S/O Ganaur Das.
 15. Saroj Devi, aged about 47 years, female, W/O Pramod Das.
- All resident of village-Konch, P.S- Konch, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-07-2023 Heard Mr. Vinod Kumar, learned counsel appearing

on behalf of the petitioners and Mr. Choubey Jawahar, learned

APP for the State.

2. The petitioners seek pre-arrest bail in connection

with Konch P.S. Case No. 379 of 2022 registered for the offence



punishable under Sections 147, 148, 149, 323, 307, 354(B), 448, 379, 427, 504 and 506 of the Indian Penal Code.

3. Prosecution story, in brief, is that all the accused persons named in the FIR including the petitioners had assaulted the informant and her family members due to which one Gaurav Kumar had sustained injury. It is further alleged that all the accused persons had entered into the house of the informant and took away ornaments and cash amounting Rs. 4200/- and had also outraged the modesty of the informant.

4. Learned counsel appearing on behalf of the petitioners submitted that there is case and counter case between the parties. The allegation made in the FIR is not sustainable as the informant in retaliation of the FIR lodged by the petitioners' side has countered by way of counter case on false accusation. Specific allegation is against one Bandhu Das of causing assault in which victim Gaurav Kumar had sustained grievous injury. Altogether 37 persons have been named in the FIR. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation being general



and omnibus, at the best, petitioners can be held one of the members of the mob. Specific allegation of assault is against one Bandhu Das. Petitioners have clean antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Gaya in connection with Konch P.S. Case No. 379 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

Niraj/Nilmani

U		T	
---	--	---	--

