

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 26043 of 2023

Arising Out of PS. Case No.-26 Year-2022 Thana- BANSHI District- Jehanabad

1. KAMLESH DAS SON OF LATE SHIV JATAN DAS @ SHIJATAN DAS
RESIDENT OF VILLAGE SONBHADRA, P.S. - BANSHI, DISTRICT -
ARWAL
2. BIMLESH DAS @ VIMLESH KUMAR SON OF LATE SHIV JATAN
DAS RESIDENT OF VILLAGE SONBHADRA, P.S. - BANSHI,
DISTRICT - ARWAL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Rama Kant Singh, Advocate
For the Opposite Party/s : Mr Shailendra Kumar, APP

CORAM: HONOURABLE MR JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 23-05-2023 Learned counsel for the petitioners is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioners have preferred this application for grant of regular bail in connection with Banshi Police Station (for brevity, **PS**) Case No 26 of 2022 dated 21.03.2022 registered for the offence punishable under Sections 341, 323, 307, 354, 302/34 of Indian Penal Code.



As per prosecution case, one Subhash Das was assaulted by means of lathi, danda, farsa due to which he succumbed to the injuries.

Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioners have no criminal case, as stated in paragraph 3 of the bail petition. They are in custody in this case since 21.01.2023. Co-accused Munna Das and Binod Kumar @ Binod Das have already been granted bail by a coordinate Bench of this Court by order dated 07.02.2023 passed in Cr Misc No 52562 of 2022. It is further submitted that there is case and counter case between the parties. There is no specific overt act alleged against the petitioners. It is a case of free fight.

Learned APP has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case, period of custody as well as the nature of allegation against the petitioners, the petitioners above named are directed to be released on bail on each of them furnishing bonds of Rs 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate I, Arwal in Banshi PS Case No 26 of 2022 dated



21.03.2022.

This application stands allowed.

(Chandra Prakash Singh, J)

M.E.H./-

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