

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23435 of 2023**

Arising Out of PS. Case No.-316 Year-2022 Thana- BIRAUL District- Darbhanga

1. Narayan Das S/O Boujan Das @ Bahujan Das R/O Village- Saho, P.S- Biraul, Distt.- Darbhanga.
2. Dasharath Das S/O Boujan Das @ Bahujan Das R/O Village- Saho, P.S- Biraul, Distt.- Darbhanga.
3. Mukesh Das S/O Narayan Das R/O Village- Saho, P.S- Biraul, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ashok Kumar Prasad, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**

ORAL ORDER

2     24-06-2023                      Heard the learned counsel for the petitioners and learned APP for the State.

This is an application for grant of anticipatory bail in connection with Biraul P.S. Case No.316 of 2022, registered for offences under Sections 143, 323, 324, 341, 504, 448, 380, 506, 308 and 427 of the Indian Penal Code.

The case of the prosecution, in brief, according to the informant, is that on the alleged



date and time of occurrence, a *panchayat* meeting was being held at the door of the house of the petitioners, pertaining to a land dispute, when the accused persons including the petitioners herein had arrived there, armed with dangerous weapons and had threatened that they would not accept the decision/verdict of the *panch* members, whereafter the co-accused person, namely, Narayan Das, had exhorted the other co-accused persons to assault the informant and his family members, whereupon the petitioner no.3 had assaulted the informant on his head by *tangi* and when his wife, namely, Anita Devi, had arrived there, the petitioner no.2 had assaulted her by hockey stick and then the petitioner no.1 had assaulted the son of the informant, namely, Brajesh Das, when he had also gone there to save the informant. It is also alleged that the co-accused persons had also snatched *mangalsutra* and ornaments of the wife of the informant.

The learned counsel for the petitioners has submitted that the petitioners are innocent,



they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that a general and omnibus allegation has been levelled against the accused persons, hence the petitioners be granted the privilege of anticipatory bail.

*Per contra*, the learned APP for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners and has also referred to the impugned order dated 23.01.2023 to submit that there is specific allegation of assault qua the petitioners herein and the doctor has found serious injuries on the vital part of the body of the informant, i.e. over his scalp and has also found the wife of the informant to have been injured.

Having regard to the facts and circumstances of the case and taking into account the materials available on record, this Court finds that the petitioners herein have specifically been alleged to have assaulted the informant, his wife



and his son, resulting in them sustaining serious injuries, hence I do not find the present case to be a fit case for grant of anticipatory bail, thus the present petition stands dismissed.

**(Mohit Kumar Shah, J)**

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