

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26354 of 2023

Arising Out of PS. Case No.-228 Year-2022 Thana- KALUAHI District- Madhubani

1. RAMDHYAN DAS S/O SARYUG DAS
2. Pawan Das S/O Ramdhyan Das
Both R/O Village- Kalikapur, P.S- Kaluahi, Distt.- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-05-2023 Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Kaluahi
P.S.Case No.228 of 2022, F.I.R. dated 20.11.2022 registered for
the offence punishable under Section 147, 148, 149, 341, 323,
307, 302, 120(B) of the Indian Penal Code.

The prosecution case, in short, is that a meeting was
called on 19.11.2022 but petitioner-Ram Dhyan Das was not
invited in the said Panchayati, then on next day at 10.30 A.M.
petitioner-Ram Dhyan Das, his sons Madan Das, Sajjan Das,
Pawan Das, Ramesh Das armed with dagger, knife, farsa, spade
gathered at the house of the informant and they assaulted the
informant's father Dewan Das, and uncle Laxmi Das and the



informant and got them severely injured and Ramesh Das and Sajjan Das with dagger and grass cutting arm injured informant's uncle who died at the place of the incident and at the same time, the informant's father was also brutally assaulted who was referred to Darbhanga for further treatment. The petitioners assaulted the deceased and other injured persons at the spot which resulted into the death of Laxmi Das.

Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in the present case due to previous admitted dispute between the parties. Further submits that it appears from the FIR that the FIR is in two parts. In 1st part, there is general and omnibus allegation against all the accused persons including the petitioners and in 2nd part, there is specific allegation against co-accused person, namely, Ramesh Das, who assaulted with knife and fodder cutting to the uncle of the informant and there is no specific allegation of any assault or overt-act attributed against the petitioners and the police, after investigation, submitted chargesheet against the petitioners and petitioner-Ramdhyan Das is in custody since 24.11.2022 and petitioner-Pawan Das is in custody since 25.11.2022 respectively.

Learned APP for the State has opposed the prayer for



bail of the petitioners on the ground that the petitioners carry two more cases other than the present one but fairly submits that the petitioners are on on bail in both the cases,as mentioned in para-3 of the bail petition.

Considering the aforesaid fact, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubni in connection with Kaluahi P.S.Case No.228 of 2022, with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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