

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29462 of 2023

Arising Out of PS. Case No.-2 Year-2023 Thana- ASHOK PAPER MILL District- Darbhanga

1. Sarvan Das Son Of Late Jhingur Das R/O Village- Pethiya Gachhi, P.S.- Ashok Paper Mill, District- Darbhanga
2. Ram Sewak Das Son Of Late Gobardhan Das R/O Village- Pethiya Gachhi, P.S.- Ashok Paper Mill, District- Darbhanga
3. Nitish Das @ Nitish Kumar @ Nitish Kumar Das Son Of Pramod Das R/O Village- Pethiya Gachhi, P.S.- Ashok Paper Mill, District- Darbhanga
4. Mithilesh Kumar Das Son Of Mahendra Das R/O Village- Pethiya Gachhi, P.S.- Ashok Paper Mill, District- Darbhanga
5. Rakesh Kumar Das @ Rakesh Das Son Of Mahendra Das R/O Village- Pethiya Gachhi, P.S.- Ashok Paper Mill, District- Darbhanga

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sada Nand Roy, Advocate

For the Opposite Party/s : Ms/Mrs. Madhuri Lata, Addl Public Prosecutor
Mr GC Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 17-07-2023 Heard learned counsel for the petitioners, the State and the informant.

2. Petitioners apprehend arrest in a case registered for the offence punishable under sections 307, 379/354B/447 and other ancillary sections of the Indian Penal Code.

3. All the FIR named accused persons including the petitioners carry allegation of abuse and assault and commission of theft. Petitioner no.1 and 5 assaulted the informant by sword, while petitioner no.2,3 and 4 assaulted other persons as a result of which three persons sustained injuries.



4. It is submitted on behalf of the petitioners that as a matter of fact prosecution party brutally assaulted the petitioners side for which petitioners filed Ashok Paper Mill Police Station Case No. 5/2023 against the prosecution party and in retaliation present case has been filed. Petitioners claim clean antecedent.

5. Learned counsel for the State as well as the informant oppose the prayer for bail.

6. Considering the fact that petitioners no.1 & 5 assaulted the informant causing him grievous injury, their prayer for bail is refused.

7. Since injuries caused by petitioners no. 2, 3 and 4 are simple in nature, their prayer for bail is allowed. In the event of arrest/surrender within six weeks from today, let these petitioners, mentioned above, be enlarged 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 Judicial Magistrate, Darbhanga in Ashok Paper Mill Police Station Case No. 02 of 2023, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

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(Prabhat Kumar Singh, J)

