

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28369 of 2023

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

1. Pramod Das, son of Ram Sewak Das, Resident of village - Pethiya Gachhi, P.S. - Ashok Paper Mill, Distt. - Darbhanga.
2. Rajesh Das, son of Mahendra Das, Resident of village - Pethiya Gachhi, P.S. - Ashok Paper Mill, Distt. - Darbhanga.
3. Prince Kumar Das @ Prince Das, son of Nageshwar Das, Resident of village - Pethiya Gachhi, P.S. - Ashok Paper Mill, Distt. - Darbhanga.
4. Hareram Das, son of Late Kishori Das, Resident of village - Pethiya Gachhi, P.S. - Ashok Paper Mill, Distt. - Darbhanga.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Sada Nand Roy, Advocate
For the Opposite Party : Ms.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. The petitioners, in the present case, are seeking pre-arrest bail in connection with Ashok Paper Mill P.S. Case No. 02 of 2023 registered for the offences punishable under Sections 147, 148, 149, 323, 341, 307, 504, 506, 379, 354(B) and 447 of the Indian Penal Code. Petitioner nos. 1, 2 and 4 have no criminal antecedent and petitioner no. 3 has one criminal antecedent as stated in paragraph '3' of the application.

3. As per the prosecution story, the informant namely, Gajendra Sah alleged that a sewer was being constructed by the



Mukhiya of Sindhauli Panchayat namely, Nageshwer Das and there was a plan of drainage of the sewer in the land of the informant, when he objected then all the accused persons threatened the informant and his relatives. When the Mukhiya knew that the informant has given application to the concerned administrative officers regarding the aforesaid construction, all the accused persons armed with weapon came and started assaulting the informant and other family members. Rakesh Das and Rajesh Das attacked on the head of the informant with sword and others assaulted with Tengari, butt of pistol and hockey stick due to which the informant got seriously injured. When his wife came to save him, she was also assaulted.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Learned counsel submits that in the first information report there are nine named accused and 10 to 15 unknown persons as also there is case and counter case between the parties. Both parties have indulged in free fight and assaulted each other.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the



State and upon noticing that in the First Information Report there are nine named accused and 10 – 15 unknown persons, there is case and counter case between the parties, the case lodged by the petitioners' side is prior in time and one day thereafter the present case has been lodged, both parties have indulged in free fight and assaulted each other in which grievous injuries have been caused to the petitioners' side and the injury allegedly caused to Gajendra Sah (informant) is said to be caused by hard and blunt substance, this Court directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Darbhanga in connection with Ashok Paper Mill P.S. Case No. 02 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. 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.

(Rajeev Ranjan Prasad, J)

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