

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29756 of 2023

Arising Out of PS. Case No.-1067 Year-2022 Thana- KHAGARIA District- Khagaria

1. KRISHNA DAS SON OF RAJESH DAS RESIDENT OF VILLAGE-DHARAHAI AAS, MUSAHRI PS- KHAGARIA (MUFFASIL), DISTT-KHAGARIA
2. BIKESH DAS SON OF LATE SURJAN DAS RESIDENT OF VILLAGE-DHARAHAI AAS, MUSAHRI PS- KHAGARIA (MUFFASIL), DISTT-KHAGARIA
3. ARJUN RAM SON OF LATE SITAL DAS RESIDENT OF VILLAGE-DHARAHAI AAS, MUSAHRI PS- KHAGARIA (MUFFASIL), DISTT-KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bharat Bhushan, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 19-08-2023 Heard the parties.

The petitioners are accuseds in connection with Khagaria (Muffasil) P.S. Case No. 1067 of 2022 arising out of G.R. No. 2901 of 2022 registered for the offences under sections 341, 323, 504, 354 and 34 of the Indian Penal Code and later on section 302 of the Indian Penal Code lodged on 13.10.2022 by the informant, Sanju Devi.

The prosecution story, in brief, is that informant Sanju Devi alleged that on 05.10.2022, her father Chandar Ram returned from fair and reached his house Darahi Aas Mushari. Her uncle Dorik Das was also seated in front of his house. Her



father enquired as to why land is not partitioned. Thereafter, it is alleged that Dorik Das, Arjun Das, Bikesh Das and Krishna Das started abusing him and on protest, all the accused persons assaulted him by kick and fist when her mother Bhulli Devi came to his rescue, she was also assaulted by them. Thereafter, Babita Devi, Binabh Devi, Puja Devi Brajesh Kumar came with 'lathi' 'danda' and started abusing her mother. Arjun Ram and Babita devi too assaulted her. The informant further stated that when her Bhabhi, Guria Devi went there, she too was assaulted. Later injured were rushed to a hospital for treatment. Accordingly, the FIR.

It has been contended by the learned counsel for the petitioners that omnibus allegation has been made against all the accused persons and further the victim was alive for 10 days before succumbing on 16.10.2022 as proper treatment was not provided to him.

Learned APP opposes the prayer stating that they have assaulted their own family members.

Considering the fact that the omnibus allegation is against the petitioners herein, they do not have any criminal antecedent and petitioner no. 1 (Krishna Das), petitioner no. 2 (Bikesh Das) and petitioner no. 3 (Arjun Ram) are in custody



since 20.01.2023, 29.01.2023 and 03.02.2023 respectively (as stated in para 4 of the petition), F.I.R. has been lodged and ultimately they will have to face the trial, this Court is inclined to extend him the privilege of bail with conditions.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 1067 of 2022 arising out of G.R. No. 2901 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;



(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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