

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32299 of 2023

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

MADAN DAS SON OF RAM DHYAN DAS Resident of Village- Kalikapur
Ward No.1, P.S. Kaluahi, District-Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur
	:	Mrs. Vaishnavi Singh
	:	Mr. Ritwik Thakur
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Kaluahi
P.S. Case No. 228/2022 registered for the offences punishable
under Sections 147, 148, 149, 341, 323, 307, 302, 120(B) of the
Indian Penal Code.

As per prosecution case, petitioner and others armed
with dagger, knife, farsa, spade gathered at the house of the
informant and they assaulted the informant's father and uncle. It
is further alleged that Ramesh Das and Sajjan Das having dagger
and grass cutting instrument assaulted the informant's uncle who
sustained injury and died on the spot. Informant sustained injury
and informant's father also sustained injury on head and other
parts of the body he referred to Darbhanga for treatment.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to land dispute. The petitioner is languishing in custody since 13.02.2023 and bears criminal antecedent of one case in which he is on bail. He further submits that there are two sets of FIR, one set which is related with the petitioner and others, who assaulted the informant and others and there are general and omnibus allegation against all accused persons including the petitioner and in part two, there is specific allegation against co-accused Ramesh Das and Sajjan Das who assaulted with knife and fodder cutting instrument to the uncle of the informant and there is no specific allegation of any assault or overt-act attributed against the petitioner. Learned counsel for the petitioner orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. On similar allegation co-accused Ramdhyan Das and Pawan Das have already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.26354/2023 and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, co-accused have already been granted bail,



charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in connection with Kaluahi P.S. Case No. 228/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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