

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45092 of 2022

Arising Out of PS. Case No.-26 Year-2022 Thana- BANSHI District- Jehanabad

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1. KAMLESH DAS SON OF LATE SHIVJATAN DAS R/O VILLAGE-SONBHADRA, P.S.- BANSHI, DISTRICT- ARWAL
 2. BIMLEH DAS SON OF LATE SHIVJATAN DAS R/O VILLAGE-SONBHADRA, P.S.- BANSHI, DISTRICT- ARWAL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs.Nivedita Nirvikar, Sr. Advocate
For the Opposite Party/s	:	Mr.Pramod Kumar Pandey, APP
For the Informant	:	Mr. Umesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 16-01-2023 Heard Mrs. Nivedita Nirvikar, learned Senior Counsel for the petitioner, Mr. Umesh Kumar, learned counsel for the informant and Mr. Pramod Kumar Pandey, learned APP for the State.

The petitioners apprehend their arrest in connection with Banshi P.S. Case No. 26 of 2022 for the offence registered under Sections 341, 323, 307, 354, 302 and 34 of the Indian Penal Code.

As per the prosecution story, the informant alleged that there is a '*Gairmazarua*' land in his village which has been used as a public path. However, the allegation of the petitioner side was that they had captured the said land and when the land



was getting filled, the same was resented by the accused side and further allegation is that some named accused along with other unknown persons assaulted causing injuries on the head of his son, Subhash Das who was subsequently admitted to the hospital where he succumbed to the said injuries.

Learned Senior Counsel for the petitioners submit that there is omnibus allegation against the accused persons and it is not clear who hit the head of the informant's son and in that backdrop, these petitioners are eligible for grant of relief, as has been prayed for.

Learned counsel for the informant, on the other hand, submits that these two petitioners are named along with one Munna Das who had assaulted on the head causing injury to the informant's son that led to his death. He further submits that the said Munna Das is behind the Bar and his bail petition is pending and further the charge sheet has already been submitted. He as such, opposes the prayer stating that these petitioners are also on the similar footing.

Taking into account the fact that the two petitioners are amongst the four accused persons whose name have been taken by the informant alleging assault on his son causing his death, this Court is not inclined to grant them relief of



anticipatory bail, which is accordingly rejected.

If the petitioner surrenders within a period of eight weeks from today and files bail petition along with all the supporting documents, the Court concerned shall take it up and dispose it of preferably on the same day without being prejudiced by any of the observation made which has been done only for the purpose of anticipatory bail.

(Rajiv Roy, J)

Jagdish/Neha/-

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