

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44788 of 2022

Arising Out of PS. Case No.-601 Year-2021 Thana- DHAKA District- East Champaran

1. Lalan Prasad Son Of Late Cheta Prasad R/O Village- Kushwanshi Nagar, P.S.- Dhaka, District- East Champaran
2. Hariom Prasad Son Of Jailal Prasad R/O Village- Kushwanshi Nagar, P.S.- Dhaka, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vishwajeet Kumar Mishra, Advocate
For the State	:	Ms. Madhuri Lata, APP
For the information	:	Mr. Arun Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 01-02-2023 Heard the learned counsel for the petitioners and the learned APP for the State as also learned counsel for the informant.

The petitioners seek regular bail in connection with Dhaka P.S. Case No.601 of 2021, registered for the offences punishable under Sections 147, 148, 149, 323, 307, 302, 380, 427, 435, 504, 354B of the Indian Penal Code.

The case of the prosecution, in brief, according to the informant, is that while he was sitting at his house along with his father in the evening of 10.12.2021, at around 5 pm, the



accused persons had arrived there and had started abusing and assaulting them. It is also alleged that the petitioner no.1 had not only assaulted the father of the informant on his head by a stick, but had also given repeated blows resulting in the father of the informant receiving grievous injuries on his head leading to him succumbing to his injuries. As far as petitioner no.2 and others are concerned, they are alleged to have assaulted the father of the informant on his back.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case, they are having clean antecedent and they are languishing in custody since 22.04.2022. Learned counsel for the petitioners has further submitted that though the main allegation of having assaulted the father of the informant on his head is upon the petitioner no.1, however, as far as the petitioner no.2 is concerned, a general and omnibus allegation has been levelled, nonetheless, it is submitted that similarly situated co-accused



persons have already been granted the privilege of bail by a co-ordinate Bench of this Court vide order dated 27.07.2022 passed in Cr. Misc. No.22791 of 2022.

Per contra, the learned APP for the State and the learned counsel for the informant have vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record as also having perused the impugned order dated 20.06.2022, this Court finds that the petitioner no.1 appears to be the main assailant, who had hit the father of the informant by *lahti* (stick) on his head repeatedly resulting in him receiving grievous injuries and later on, succumbing to his injuries, hence, I am not inclined to grant bail to the petitioner no.1, thus, the present petition qua the petitioner no.1, namely, Lalan Prasad stands dismissed.

As far as petitioner no.2 is concerned,



he along with other co-accused persons are alleged to have assaulted the father of the informant on his back and the records would bear it out that a general and omnibus allegation has been levelled, however, no specific allegation of any sort of overtact has been levelled qua him, hence, I deem it fit and proper to admit the petitioner no.2 to the privilege of bail specially considering the fact that similarly situated co-accused persons have already been granted bail by a co-ordinate Bench of this Court.

Accordingly, the above named petitioner no.2, namely, Hariom Prasad is directed to be enlarged 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, East Champaran in connection with Dhaka P.S. Case No.601 of 2021.

(Mohit Kumar Shah, J)

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