

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52504 of 2023

Arising Out of PS. Case No.-229 Year-2022 Thana- KALUAHI District- Madhubani

1. Shiv Kumar @ Shiv Kumar Das, Son of Deven Das, Resident of village - Kalikapur, P.S. - Kaluahi, Distt. - Madhubani
2. Ram Bharosh Das @ Bharosh Kumar, Son of Laxmi Das, Resident of village - Kalikapur, P.S. - Kaluahi, Distt. - Madhubani
3. Saroj Das @ Saroj Kumar, Son of Laxmi Das, Resident of village - Kalikapur, P.S. - Kaluahi, Distt. - Madhubani
4. Devan Das, Son of Ram Prit Das, Resident of village - Kalikapur, P.S. - Kaluahi, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 23-08-2023 Heard Mr. Gagan Deo Yadav, learned counsel

appearing on behalf of the petitioners and the learned Additional

Public Prosecutor for the State.

2. There are four petitioners, who are apprehending their arrest in connection with Kaluahi P.S. Case No. 229 of 2022, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 120(B), 324 and 504 of the Indian Penal Code.

3. Allegedly, on account of the marriage of the sister of the informant with a person of other caste, some dispute has arisen and on the pretext of the aforesaid reason, all the FIR named accused persons, including the petitioners, assaulted the informant and the persons of his side due to which Pawan Das,



Ramesh Das, Ram Dhyan Das and the informant have sustained injuries.

4. Learned counsel appearing on behalf of the petitioners submits that in fact prior to the institution of the present case, the informant and his persons brutally assaulted the petitioners and other family members due to which 'Lakshmi Das', who happens to be uncle of the petitioner no. 1 died, which resulted into lodging of the Kaluahi P.S. Case No. 228 of 2022, thereafter only in order to self defense, the persons of the petitioners have also assaulted some of the persons of the informant, for which the present FIR has been instituted. He further drew the attention of the Court to the injuries sustained over the persons of Pawan Das, Ramesh Das, Ram Dhyan Das and the informant, which suggest that all the injuries are simple in nature, save and except two of the injuries out of which one of the grievous injury have sustained to the forearm of Sajjan Das (informant) and further with regard to the another injury sustained to the person of Pawan Das, the opinion is reserved. He next submits that so far the petitioners are concerned, there is omnibus allegation against them and, moreover, they are persons of fair antecedent and they undertake that they will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State



opposed the pre-arrest bail application and submits that from the materials available on record, it appears that a free fight has taken place between the persons of both the sides which resulted into injuries to the persons of both the sides.

6. Regard being had to the submissions made on behalf of the parties and considering the case and counter case and the nature of injuries, apart from the fair antecedent of the petitioners, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Madhubani in connection with Kaluahi P.S. Case No. 229 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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