

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61628 of 2023

Arising Out of PS. Case No.-91 Year-2023 Thana- BAHADURPUR District- Darbhanga

SHANTNU KUMAR DAS @ SANTANU DAS SON OF CHANNAR DAS
RESIDENT OF VILLAGE- BIDNI ADAMA, PS- BAHADURPUR
(PATAUR OP), DIST- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-10-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

2. The petitioner apprehends his arrest in
connection with Bahadurpur (Pataur O.P.) P.S. Case
No. 91 of 2023, registered for the offences
punishable under Sections 147, 149, 341, 323,
324, 325, 307, 354(B), 379, 504 and 506 of the
Indian Penal Code.

3. The allegation is regarding the accused
persons including the petitioner herein, variously
armed, having arrived at the house of the
informant, whereafter they are alleged to have
abused and threatened the informant of dire



consequences. It is also alleged that the co-accused persons namely Sri Krishna Das had assaulted the informant on his head and chest with iron rod, whereafter the co-accused person, namely, Santosh Das had also assaulted the informant with iron rod on his neck resulting in the informant sustaining serious injuries. As far as the petitioner is concerned, he is stated to have caught hold of the hair of the wife of the informant and dragged her on the ground resulting in her being disrobed. As far as co-accused person Sajjan Das is concerned, he is stated to have slapped the wife of the informant while the co-accused person Chandar Das had assaulted the brother of the informant.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the other accused persons may be having complicity in the alleged occurrence and in fact



they are the main assailants, however, as far as the petitioner is concerned, it has been merely alleged that he had caught hold of the wife of the informant and dragged her, however, she has not sustained any injury, thus the petitioner be granted benefit of doubt for the purposes of grant of anticipatory bail.

5. *Per contra*, the learned A.P.P. for the State and the learned counsel appearing for the informant have vehemently opposed the prayer for grant of anticipatory bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, this Court finds that as far as the petitioner is concerned, *prima facie* the allegations levelled against him are not so grave so as to deprive him of the privilege of anticipatory bail, apart from the fact that the overt act alleged qua him has not resulted in any injuries being sustained by the wife of the informant and



moreover, the petitioner is having a clean antecedent, hence I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

7. Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Darbhanga in connection with Bahadurpur (Pataur O.P.) P.S. Case No. 91 of 2023, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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