

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55589 of 2022

Arising Out of PS. Case No.-136 Year-2022 Thana- BAHERI District- Darbhanga

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BHAGWAN DAS, S/o Phool Chand Das, R/o Mohalla/Vill- Harachha, P.S.-
Baheri Distt- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 16-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Kedar Jha, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Baheri P.S. Case No. 136 of 2022 registered for
the offences punishable under Sections 147, 341, 323, 354B and
307 of the Indian Penal Code. Later on Sections 325 and 447/34
of the Indian Penal Code have been added.

The prosecution case is based on the written report of
the informant alleging therein that on 06.05.2022, at about 11



‘o’ clock, while the informant was preparing food, in the meantime, all the accused persons named in the F.I.R., including the petitioner, armed with traditional weapon entered into the house and assaulted one Nawal Kishore Das, due to which he sustained grievous injuries. It is further alleged that co-accused persons also assaulted the female members of the house, who also sustained serious injuries.

Learned counsel appearing on behalf of the petitioner submits that in fact both the petitioner and the informant are agnates, however, only on account of a land dispute, free fight had taken place between both the parties, which resulted into some injuries on both sides. He further submits that from the F.I.R., it is evident that there is no specific allegation against any person, rather general and omnibus allegation has been levelled against all the family members. He next submits that though Nawal Kishore Das and one female member has sustained grievous injuries, but the same has not been attributed to the petitioner. He next submits that the petitioner is a man of fair antecedent and is in custody since 15.05.2022 and, as such, he remained in custody for over a period of nine months, though the investigation of the crime is already complete and the charge-sheet has been submitted.



On the other hand, learned APP for the State opposes the bail application and submits that specific allegation has been levelled against the accused persons and they have caused grievous injuries to the injured persons.

Regard being had to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation, coupled with the period of custody and fair antecedent of the petitioner, let the petitioner, named above, 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 Additional Chief Judicial Magistrate-VII, Darbhanga in connection with Baheri P.S. Case No. 136 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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