

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.68339 of 2023

Arising Out of PS. Case No.-231 Year-2023 Thana- KOTWA District- East Champaran

1. Urmila Devi Wife Of Surendra Das Resident Of Village - Jamuniya, Police Station - Kotwa (BHOPATPUR Op), District - East Champaran
2. Surendra Das Son Of Late Sukhari Das Resident Of Village - Jamuniya, Police Station - Kotwa (BHOPATPUR Op), District - East Champaran
3. Manohar Das Son Of Late Sukhari Das Resident Of Village - Jamuniya, Police Station - Kotwa (BHOPATPUR Op), District - East Champaran
4. Meena Devi Wife Of Manohar Das Resident Of Village - Jamuniya, Police Station - Kotwa (BHOPATPUR Op), District - East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate

For the Opposite Party/s : Mr. Abhay Kumar. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-12-2023 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Kotwa (Bhopatpur O.P.) P.S. Case No. 231 of 2023 instituted under under Sections 341, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code lodged on 21.06.2023 by the informant, Awadhesh Das.

3. As per the prosecution story, the allegation by the informant is that when he went out to attend the nature's call, accused persons are obviously due to past dispute assaulted him. Specific allegation is against Kishan Kumar @ Niraj Das of attacking the informant with 'Dabia' which omnibus allegation is there against the other accused persons.



4. Learned counsel for the petitioner submits a bare perusal of the F.I.R. would show that it was Kishan kumar @ Niraj Das who attacked the informant by 'Dabia'. So far as these petitioners are concerned, omnibus allegations is/are there.

5. Learned counsel for the informant on the other hand submits that though omnibus, allegation of assault is there against all the accused persons.

6. Having gone through the submissions put forward by the learned counsel for the parties as also the fact that there is specific allegation against Kishan Kumar @ Niraj Das and omnibus allegation against these petitioners which includes the two ladies and they do not have any criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Kotwa (Bhopatpur O.P.) P.S. Case No.231 of 2023 to the satisfaction of learned Additional Chief Judicial Magistrate-X, East Champaran at Motihari, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.



(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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