

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2211 of 2023

Arising Out of PS. Case No.-276 Year-2022 Thana- BANMANKHI District- Purnia

1. Subodh Das, Son of Late Dhyani Das @ Gyani Das, Resident of village - Giwachhpur, P.S.- Banmankhi, District - Purnea.
2. Sourabh Kumar, Son of Late Dhyani Das @ Gyani Das, Resident of village - Giwachhpur, P.S.- Banmankhi, District - Purnea.
3. Ashish Kumar, Son of Subodh Das, Resident of village - Giwachhpur, P.S.- Banmankhi, District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioners and learned APP for the State.

2. In the present case, the petitioners seek bail in connection with Banmankhi P.S. Case No. 276 of 2022 registered for the alleged offences under Sections 147, 148, 149, 341, 323, 324, 325, 307, 302, 447 and 504 of the Indian Penal Code.

3. As per prosecution case, petitioners and other co-accused persons, who were variously arme, started assaulting the informant. When the sons of the informant tried to save



him, the petitioners and other co-accused persons also assaulted them and due to their assault one of the sons of the informant lost his life during course of the treatment.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is land dispute between the parties and the petitioners and informant are agnates. The informant's side being aggressors, tried to encroach upon the land of the petitioners forcibly and when the petitioners' side objected, the present case has been lodged. Learned counsel further submits that altogether 18 persons have been roped in by the informant but the injury report of the deceased shows only one injury on his head though there are some injuries on other parts of the body. But there is no specific allegation of assault against any of the petitioners and the allegations are mostly non-specific, general and omnibus. Though post-mortem report shows some injury on the deceased but when he was brought to the hospital for treatment no injury report was available. Learned counsel further submits that similarly there is no injury reports of informant and his two other sons on record which shows that the informant was not present at the place of occurrence. Petitioners are in custody



since 18.08.2022 and charge-sheet has been submitted.

Petitioners are having clean antecedent.

5. Learned APP opposes the prayer for bail submitting that witnesses have supported the prosecution case.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-specific nature of allegation against the petitioners in which allegation is against 18 persons for assault on the deceased but only one injury on his head has been found, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court of Chief Judicial Magistrate, Purnea in connection with Banmankhi P.S. Case No. 276 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions

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(i) One of the bailors will be the person, who has sworn the affidavit in the case.

(ii) The petitioners will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive



dates or in violation of the terms of the bail, the
bail bonds of the petitioners will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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