

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74676 of 2022

Arising Out of PS. Case No.-232 Year-2021 Thana- DORIGANJ District- Saran

1. SURESH DOM @ SURESH RAM Son of Late Lobhi Dom Resident of Village- Chirand, P.S.- Doriganj, District- Saran (Chapra)
2. DEELIP DOM @ DILIP KUMAR Son of Suresh Dom @ Suresh Ram Resident of Village- Chirand, P.S.- Doriganj, District- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-03-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 120(B), 302 of the Indian Penal Code.

Allegedly, petitioners came to the informant armed with *lathi-danda*, stones and *bhala* and started abusing. Petitioner no.1 gave order to the other accused persons to kill the informant and his son, on which all the accused persons surrounded the son of the informant and assaulted him with deadly weapons, as a result of which his son died.

It is submitted by learned counsel for the petitioners that



petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. It is further submitted that the deceased died due to cardiac arrest failure. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail and submitted that the petitioners are involved in committing murder of the informant's son, hence they do not deserve anticipatory bail.

Having regard to the facts and circumstances of the case, as there is general and omnibus allegation against petitioner no.1 that he gave order to kill the informant's son, let the petitioner no.1, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Doriganj P.S. Case No. 232 of 2021, subject to the condition as laid down



under Section 438 (2) of the Cr.P.C.

As there is specific allegation against petitioner no.2 that he, along with other accused persons, assaulted the informant's son due to which he died, I am not inclined to enlarge the petitioner no.2 on bail. The prayer for bail of the petitioner no.2 is hereby rejected.

Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

divyanshi/-

U		T	
---	--	---	--

