

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5210 of 2023

Arising Out of PS. Case No.-98 Year-2022 Thana- KAMTAUL District- Darbhanga

1. Indradeo Das Son Of Mahendra Das R/O Village- Panchayat Brahampur Western Tola, Paunad Ward No.12, P.S.- Kamtaul, District- Darbhanga
2. Geeta Devi Wife Of Indradeo Das R/O Village- Panchayat Brahampur Western Tola, Paunad Ward No.12, P.S.- Kamtaul, District- Darbhanga
3. Ambhu Das Son Of Mahendra Das R/O Village- Panchayat Brahampur Western Tola, Paunad Ward No.12, P.S.- Kamtaul, District- Darbhanga
4. Shuga Das Son Of Mahendra Das R/O Village- Panchayat Brahampur Western Tola, Paunad Ward No.12, P.S.- Kamtaul, District- Darbhanga
5. Mahendra Das Son Of Siyalal Das R/O Village- Panchayat Brahampur Western Tola, Paunad Ward No.12, P.S.- Kamtaul, District- Darbhanga
6. Paran Das Son Of Mahendra Das R/O Village- Panchayat Brahampur Western Tola, Paunad Ward No.12, P.S.- Kamtaul, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar

For the Opposite Party/s : Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-04-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 147, 149, 341, 323, 448 and 324 of the Indian Penal Code and later on Section 302 of Indian Penal Code was also added which is pending in the learned court below.

As per the prosecution case, all the accused persons



armed with sharp edged weapon arrived at the house of the informant thereafter accused Ashok Das assaulted at the head of the mother of the informant by means of Farsa and accused Paran Das assaulted at the head and back with sword causing cut injuries on the body of the informant.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that there is general and omnibus allegation against the petitioner no.1-5. He submits that there is admitted land dispute between the parties. He further submits that similarly situated other co-accused person has already been granted bail by a bench of this Court vide order dated 22.12.2022 passed in Cr. Misc. No. 45521/2022. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

Per contra, learned APP for the State vehemently opposing the bail application and submitted that the during the treatment, mother of the informant was died. Hence, they do not deserve anticipatory bail.

Considering the facts and circumstances of the case and the fact that there is specific overt act against the petitioner no.6, I am not inclined to enlarge the petitioner on bail in



connection with Kamtaul P.S. Case No. 98/2022.

Insofar as petitioners no.1-5 are concerned there is no specific overt act against them, let the petitioners no.1-5, named above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Kamtaul P.S. Case No.98/2022 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, this anticipatory bail application is partly allowed.

(Anjani Kumar Sharan, J)

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