

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1064 of 2023

Arising Out of PS. Case No.-500 Year-2021 Thana- SAHARSA SADAR District- Saharsa

SHANKAR DAS @ SHANKAR KUMAR DAS, Son of Late Narain Das,
R/v- Gandhi Path, Ward No. 21, Saharsa P.S.- Saharsa Sadar, District- Saharsa

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Bhushan Das, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 28-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307 and 302 of the Indian Penal Code.

As per the prosecution case, on 25.06.2021-26.06.2021 at about 2:00 P.M. the petitioner and the co-accused persons with 8-10 unknown miscreants came storming and carried away the informant's brother, Kanhaiya Kumar and assaulted with *lathi, danda* and iron rod to him



and the injured was taken to the Sadar hospital where injured died during the course of treatment.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. There is general and omnibus allegation against the petitioner. The case and counter case between the parties. He has further submitted that the petitioner had filed Saharsa Sadar P.S. Case No. 497 of 2021 for committing theft by the deceased. The petitioner is accused in two other criminal cases which are not related to similar nature of offence as stated in para 3 of the bail petition.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner by submitting that the deceased was assaulted by the petitioner and the co-accused persons and as per injury report, the deceased died due to head injury leading to injury on vital organ, "brain".

Considering the aforesaid facts and circumstances of the case as well as the allegation being general and omnibus, let the above named petitioner, in the event of his arrest/ surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/-(Twenty Thousand) with two sureties of the like



amount each to the satisfaction of learned Court concerned, Saharsa in connection with Saharsa P.S. Case No. 500 of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.

The application stands allowed.

(Chandra Prakash Singh, J)

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