

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10873 of 2024

Arising Out of PS. Case No.-219 Year-2020 Thana- JHAJHA District- Jamui

Dwarika Das @ Dorika @ Dorika Das, S/o Late Chiram Ravidas, Village-
Gram Barajor, P.S.- Jhajha, Dist. Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Sanju Singh, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 28-06-2024 Heard Ms. Sanju Singh, learned Advocate for the
petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Jhajha P.S. Case No. 219 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 302, 504 and 506 of the Indian Penal Code.

3. Based upon the written report, the prosecution alleges that while the informant along with his cousin brother Rajendra Das were coming back from river side and when they reached near the house of the petitioner, all the accused persons variously armed started assaulting both of them. It is further alleged that the informant's cousin Rajendra Das was caught by the accused persons. However, the informant succeeded in fleeing away. The informant rushed to his house and raised



alarm, thereupon he along with all his family members went to see Rajendra Das. In the meantime, all the family members of the petitioner and other accused persons started pelting bricks, due to which his family members also sustained injuries. Co-accused Kailash, Suresh, Fulchand and Nunu Das threatened the informant and others with dire consequences and told that they have already murdered one and now rest are in number.

4. Learned Advocate for the petitioner submitted that there is no specific allegation of any overt act against the petitioner and save and except the allegation that all the family members of the petitioner were indulged in pelting stones and assaulting the informant and his cousin, there is no whisper that he any how participated in the crime. It is also contended that the present case is nothing but a counter blast of Jhajha P.S. Case No. 213 of 2020, instituted by the son of the petitioner. There is a long standing dispute between the parties and moreover the female members of the family, who have also been made accused in this case, have already been allowed anticipatory bail by the learned coordinate Bench of this Court. It is also contended that the prayer for grant of anticipatory bail in respect of one of the co-accused, namely, Nunu Ram Das, has been rejected by the learned co-ordinate Bench of this Court in



Cr. Misc. No. 33177 of 2023 vide order dated 18.09.2023, but obviously, the learned counsel is in a position to differentiate the case of the petitioner with that of co-accused Nunu Ram Das. It is lastly contended that the petitioner is an old person, aged about 74 years, having absolutely clean antecedent. However, only on account of he being Karta of the family, his name has been implicated in this case.

5. On the other hand, learned APP for the State opposes the bail application and submits that all the accused persons, including the petitioner, have actively participated in the crime and there is allegation, though omnibus, that they assaulted the informant and his cousin, due to which the cousin Rajendra Das succumbed to the injuries.

6. Having regard to the submissions made on behalf of the parties and considering the omnibus nature of allegation, which not even suggests that the petitioner anyhow participated in the crime. So far co-accused Nunu Ram Das is concerned, this Court finds reason for differentiation, as he was one of the person, who threatened to eliminate the family members of the informant in front of all, apart from the allegation that he actively participated in assaulting the informant and his cousin. The case diary also suggests that during the course of



investigation, the supervising authority is not found the complicity of the petitioner, but later on, in Report-II the Superintendent of Police, Jamui differing with the opinion of the supervising authority found the complicity of the petitioner along with others. It is also to be noted that the petitioner is an old person, aged about 74 years, having fair antecedent. On all these counts, this Court is inclined to allow the present bail application.

7. Let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Jamui in connection with Jhajha P.S. Case No. 219 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further conditions, which are as follows:

(i) One of the bailors will be the close relatives of the petitioner.

(ii) If process under Sections 82/83 of the Cr.P.C. have been issued by the jurisdictional court, the bail bonds of the petitioner will not be accepted, as this Court has informed by the



learned Advocate for the petitioner that till date process under Sections 82/83 of the Cr.P.C. have not been issued

(iii) The petitioner will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(Harish Kumar, J)

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