

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12376 of 2024

Arising Out of PS. Case No.-188 Year-2023 Thana- MAJHAULIA District- West Champaran

1. ANGOOR PRASAD @ ANGOOR KUMAR S/O SRI NAGNARAYAN PRASAD R/O VILLAGE- MADHOPUR, PS. MAJHAULIA, DIST. WEST CHAMPARAN.
2. VIKASH DAS S/O SRI DUKHI DAS R/O VILLAGE- MADHOPUR, PS. MAJHAULIA, DIST. WEST CHAMPARAN.
3. RADHA DAS S/O SRI PUNDEO DAS R/O VILLAGE- MADHOPUR, PS. MAJHAULIA, DIST. WEST CHAMPARAN.
4. BADRI DAS S/O SRI BHOJ DAS R/O VILLAGE- MADHOPUR, PS. MAJHAULIA, DIST. WEST CHAMPARAN.
5. KEDAR DAS S/O SRI MANGROO DAS R/O VILLAGE- MADHOPUR, PS. MAJHAULIA, DIST. WEST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharad Kumar Verma, Advocate
For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 14-03-2024 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Majhauria PS case no. 188 of 2023, disclosing offences punishable under Sections 147, 148, 149, 323, 337, 338, 302, 153-A, 295-A of the Indian Penal Code.
3. The prosecution story, as per the First Information Report, is that on 08.03.2023, during Holi festival, while informant's father was coming towards his home, he saw some



of the persons, in a drunken condition, were involved in hooliganism and upon objection being raised by the father of the informant, altogether 22 named along with 90-100 unknown persons assaulted the father of the informant, due to which, he died.

4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case and have not committed any offence in the manner alleged. Learned counsel further submits that a counter case was also lodged by the side of the petitioners and there was minor scuffle between the two communities, on the date of occurrence. He next submits that the allegations against the petitioners are general and omnibus in nature and they are having no criminal antecedents. Referring to the post mortem report, learned counsel submits that the doctor has reserved his opinion regarding cause of death, however, only one abrasion on the right side of abdomen of the deceased has been found by the doctor. He also submits that the doctor, in the post mortem report, has mentioned that one wound was ante mortem caused by hard and blunt substance and is not sufficient to cause death in ordinary course of nature.

5. Regard being had to the submissions made on



behalf of the parties and taking into consideration general and omnibus nature of allegations against the petitioners, there is case and counter case between the parties and in the post mortem report, doctor has found only one abrasion and no other injury is present on any part of the body of the deceased, I am inclined to grant the privilege of anticipatory bail to the petitioners.

6. This application is, accordingly, allowed.

7. Let petitioners, abovenamed, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Wesdt Champaran at Bettiah in connection with Majhauria PS case no. 188 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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