

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25913 of 2024

Arising Out of PS. Case No.-335 Year-2023 Thana- DIDARGANJ District- Patna

1. Kariban Das @ Kariman Das S/o Chandrika Das R/o Village- Fatehpur, P.S. Didarganj, District-Patna
2. Kapil Das S/o Late Kamta Das R/o Village- Fatehpur, P.S. Didarganj, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 17-05-2024 Heard learned counsel for the petitioners and learned APP for the State. Perused the case diary.

2. The petitioners seek bail in connection with Didarganj P.S. Case No. 335 of 2023 instituted for the offences under Sections 147, 149, 323, 307, 447, 448, 379, 337, 427, 504 of the Indian Penal Code.

3. As per prosecution case, in short, is that the co-accused persons including the petitioners armed with deadly weapons assaulted the Informant and his brother due to which they sustained injury.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as



alleged against them and have falsely been implicated in the present case. There is a case and counter case as the present case has been lodged by the Informant as a counter blast case of Didarganj P.S. Case No. 323 of 2023. Both the parties are own gotia and next door neighbour and there is a dispute between them with respect to drainage. Both the parties have sustained injury in the occurrence. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. There is no direct or specific allegation of any overt act against the petitioners rather the same is general and omnibus in nature. He submits that the petitioner no.2 is the non-assailant whereas the allegation against the petitioner no.1 is assaulting Pramila Devi but, the injury report of Pramila Devi is not available. The petitioner has no concern with the alleged occurrence. The petitioners have no criminal antecedent and are languishing in judicial custody since 07.11.2023 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. Learned counsel for the petitioners again submits that the co-accused namely Parmanand Das has been granted bail by this Court vide order dated 09.05.2024 passed in Cr. Misc. No. 35198 of 2024.

6. On the other hand, learned A.P.P. for the State has



vehemently opposed the prayer for grant of bail to the petitioners, submitting that the allegation made against the petitioners are serious in nature. The Informant has supported the prosecution case in his re-statement. Several injured witnesses have also fully supported the allegations made in the F.I.R. After investigation, the charge-sheet has been submitted under Sections 147, 149, 323, 307, 447, 448, 337, 504 of the I.P.C. against the petitioners.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioners and the petitioners having no criminal antecedent, let the petitioner, abovenamed, be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Didarganj P.S. Case No. 335 of 2023.

(Rudra Prakash Mishra, J)

rishi/-

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

