

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30567 of 2024

Arising Out of PS. Case No.-85 Year-2023 Thana- KAJRAILI District- Bhagalpur

1. Navin Das @ Navin Chandra Niwas, Son of Late Chaparshi Das, Resident of Village- Daradhi Bahadurpur, P.S.- Kajraili and District- Bhagalpur
2. Sanjeev Das, Son of Late Chaparshi Das, Resident of Village- Daradhi Bahadurpur, P.S.- Kajraili and District- Bhagalpur
3. Suraj Das @ Suraj Kumar Das, Son of Naveen Das @ Naveen Chandra Niwas, Resident of Village- Daradhi Bahadurpur, P.S.- Kajraili and District- Bhagalpur
4. Keshav Das @ Keshav Kumar Das @ Kishav Das, Son of Naveen Das @ Naveen Chandra Niwas, Resident of Village- Daradhi Bahadurpur, P.S.- Kajraili and District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 27-05-2024 Heard Mr. Deepak Kumar Sinha, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Kajraili P.S. Case No. 85 of 2023 registered for the offences punishable under Sections 147, 149, 323, 307, 379, 504, 506/34 of the Indian Penal Code.

3. Allegedly in the night of 10.10.2023, the petitioners along with others barged into the house of the informant and started assaulting him and his family members. Co-accused



Rustam Das assaulted the son of the informant by means of Iron rod, due to which he sustained head injury. Further allegation has been levelled against co-accused Deepak Das and Bablu Das that they have also assaulted the family members of the informant. The accused persons, including the petitioners, also snatched valuables and fled away.

4. Learned counsel for the petitioners contended that the present F.I.R. is nothing, but the counter blast to Kajraili P.S. Case No. 84 of 2023, lodged by the petitioners' side against the informant and his other family members. It is further contended that all the injuries caused to the informant and his family members are found to be simple in nature, except one sustained to the son of the informant, which has been attributed to co-accused Rustam Das, who is not the petitioner before this Court. The petitioners are men of fair antecedent and they undertake that they will fully cooperate in the investigation or in the proceedings of the Court and will not tamper the evidence or indulge in threatening the witnesses in any manner.

5. On the other hand, learned APP for the State opposes the bail application and submits that the petitioners have actively participated in the crime.

6. Regard being had to the submissions made on



behalf of the parties and considering the omnibus nature of allegation coupled with the fair antecedent of the petitioners and the fact that the injury, which has been found grievous in nature, has been attributed to co-accused, who is not the petitioner before this Court, let the petitioners, named above, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bhagalpur in connection with Kajraili P.S. Case No. 85 of 2023, 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 shall be the own/close relative of the petitioners.

(ii) The petitioners will cooperate in conclusion of the trial.

(iii) They will remain present on each and every date of trial till disposal of the case.

(iv) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(v) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(vi) The Court below shall verify the criminal antecedent of the petitioners and, in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take immediate step for cancelling the bail bonds of the petitioners. However, the acceptance of bail bonds, in terms of the above mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

uday/-

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

