

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51235 of 2024

Arising Out of PS. Case No.-167 Year-2023 Thana- KEWATI District- Darbhanga

1. Harendra Das, aged about 30 years, Male, Son of Ganga Das.
2. Shambhu Sharma, aged about 24 years, Male, Son of Maineger Shrma.
3. Ravi Das @ Ravi Kumar Das, aged about 20 years, Male, Son of Rambabu Das @ Rambabu Sah, All residents of Village – Barhi, P.S. - Kewati, District – Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 20-07-2024 Heard learned counsel for the parties.

2. The petitioners apprehend their arrest in connection with Kewati P.S. Case No. 167 of 2023 registered for the offence punishable under Sections 323, 324, 307, 354, 448/34 of Indian Penal Code.

3. As per allegation in the FIR, while the informant along with his family members were in his house, in the meantime, all the FIR named accused persons, including the petitioners variously armed, entered into his house and brutally assaulted the informant and others due to which, they sustained serious injuries. Further allegation has also been levelled that the accused persons indecently behaved with the family members of the informant.



4. Learned counsel for the petitioners submits that the petitioners are innocent have falsely been implicated in the present case. He next submits that from perusal of the FIR, it appears that there is no specific allegation against the petitioners and, in fact, no such occurrence as alleged has ever been taken place and the present FIR was lodged after delay of five days and no explanation has been given by the informant. He next submits that the parties are agnate and there is land dispute between the parties. The present case is nothing but the counter blast of the case. Petitioners have got no criminal antecedent as stated in para 3 of the petition.

5. However, learned APP for the State vehemently opposed the prayer for anticipatory bail.

6. From perusal of the FIR and the impugned order dated 10.06.2024, it appears that the allegation of assault against petition no. 1, Harendra Das, who assaulted upon the informant's leg by means of iron rod due to which he sustained fracture. Petitioner nos. 2 and 3 also assaulted and injured them. However, there is no any injury report submitted by the son of the informant against the petitioners and similarly situated co-accused persons namely Rajan Kumar Das and Manju Devi @ Ranju Devi have been granted bail by this Court and a Co-



ordinate Bench of this Court in Cr. Misc. Nos. 25204 of 2024 and 2172 of 2024 vide orders dated 16.07.2024 and 31.01.2024, respectively, let the above named petitioners be released on anticipatory bail.

7. Considering the nature of allegation and the fact that there is a case and counter case between the parties over the land dispute, coupled with the fact that petitioners having got clean antecedent as stated in para 3 of the petition and there is also no injury report submitted by the son of the informant against the petitioners, let the above named petitioners be released on anticipatory bail in the event of their arrest or surrender within a period of six weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Darbhanga in connection with Kewati P.S. Case No. 167 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ramesh Chand Malviya, J)

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