

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57645 of 2024

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

Munnilal Das Son of Sri Aklu Das Resident of Village - Madhopur, Sheikh
Toli, P.S.- Manjhaulia, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Jha

For the Opposite Party/s : Mr. Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 30-08-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Majhaulia Police Station Case No. 188 of 2023, dated 08.03.2023, disclosing offences punishable under Sections 147/148/149/323/337/338/302/153-A/295-A of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that 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 petitioner submits that the petitioner has falsely been implicated in this case and has not committed any offence in the manner alleged. She further submits that a counter case was also lodged by the side of the petitioner and there was minor scuffle between the two communities on the date of occurrence. She next submits that the allegations against the petitioner are general and omnibus in nature and he is 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. She 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. She next submits that similarly situated co-accused persons have been granted anticipatory bail by this Court, vide order, dated 14.03.2024, passed in Criminal Misc. No. 12376 of 2024.
5. Regards being had to the submissions advanced on behalf



of the parties and taking into consideration general and omnibus nature of allegations against the petitioner and the fact that there is case and counter case between the parties, in the post mortem report, the doctor has found only one abrasion and no other injury is present on any part of the body of the deceased and similarly situated co-accused persons have been granted anticipatory bail by this Court, I am inclined to grant the petitioner privilege of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, at Bettiah, in connection with Majhaulia Police Station 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.)

Prabhakar Anand/-

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