

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77585 of 2024

Arising Out of PS. Case No.-118 Year-2024 Thana- PARBATTa District- Khagaria

1. Ashok Das Son of Late Buchchi Das Resident of Village - Mojihida, P.S. - Parbatta, District - Khagaria
2. Bittu Das Son of Ashok Das Resident of Village - Mojihida, P.S. - Parbatta, District - Khagaria
3. Sandip Kumar Son of Late Lakhan Das Resident of Village - Mojihida, P.S. - Parbatta, District - Khagaria
4. Sikandar Das Son of Late Lakhan Das Resident of Village - Mojihida, P.S. - Parbatta, District - Khagaria
5. Rajeev Kumar Son of Mithlesh Das Resident of Village - Mojihida, P.S. - Parbatta, District - Khagaria
6. Ashish Kumar Das @ Ashish Kumar Son of Late Hridish Das Resident of Village - Mojihida, P.S. - Parbatta, District - Khagaria
7. Chandan Kumar Son of Mithlesh Das Resident of Village - Mojihida, P.S. - Parbatta, District - Khagaria
8. Pankaj Kumar Son of Saligram Das Resident of Village - Mojihida, P.S. - Parbatta, District - Khagaria
9. Rekha Kumari @ Rekha Devi Wife of Dablu Kumar Resident of Village - Mojihida, P.S. - Parbatta, District - Khagaria
10. Sita Devi Wife of Saligram Das Resident of Village - Mojihida, P.S. - Parbatta, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Arun Kumar Pandey, APP
For the Informant	:	Hafiz Shahbaz Arif, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 21-04-2025 Heard learned counsel for the petitioners and learned
APP for the State as well as learned counsel for the informant.

2. The petitioners apprehend their arrest in connection
with Parbatta P.S. Case No.118 of 2024 registered for the



offences punishable under Sections 147, 148, 149, 447, 448, 341, 323, 307, 379, 504 and 506 of the Indian Penal Code.

3. The First Information Report discloses that while the informant's brother was coming on the eve of Holi, as many as 14 accused persons surrounded him, snatched his money and assaulted in presence of the police personnel due to previous land dispute.

4. It has been submitted by learned counsel for the petitioners that there is a general and omnibus allegation on 14 persons belonging to the same family which also includes these petitioners, two of them even being female members of the family. There is no specific allegation of assault on anyone and so far as injury is concerned, the injury report discloses that the injured Mukesh Das has received two injuries, one is in the nature of abrasion, which is a simple injury, and the second is contusion present on the lower spine which has been referred for indicating the nature of injury.

5. It has also been submitted by learned counsel for the petitioners that for the same occurrence the police had also lodged an FIR being Parbatta P.S. Case No.119 of 2024 under various Sections of the I.P.C. in which petitioners no.4, 5, 7 and 8 were accused and were granted privilege of bail as submitted



by learned counsel for the petitioners.

6. Learned counsel for the petitioners also submits that besides Parbatta P.S. Case No.119/2024, the petitioner nos.4, 5, 7 and 8 have also been made accused in Parbatta P.S. Case No.157 of 2024. However, it has been submitted that petitioners no.1, 2, 3, 6, 9 and 10 have no criminal antecedent.

7. It has also been submitted that from a bare perusal of the FIR as also from the material collected during the course of investigation, it appears that there is an admitted land dispute between the parties.

8. The learned counsel for the informant and the State have, however, opposed the prayer for anticipatory bail by submitting that the brother of the informant has been assaulted by the accused persons who has also received injury and, hence they do not deserve privilege of anticipatory bail.

9. Considering the fact that there is general and omnibus allegation against all the petitioners and nothing specific has been alleged against anyone and also considering the fact that some of the petitioners who are made accused in another case lodged by the police have already been granted the privilege of bail, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned



Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Khagaria in connection with Parbatta P.S. Case No.118 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and subject to the further condition that:-

(i) The petitioners shall cooperate in the investigation/trial.

(ii) The court below shall verify the criminal antecedent of the petitioners no.4, 5, 7 and 8 and in case it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners no.4, 5, 7 and 8. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Soni Shrivastava, J)

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