

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78493 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- KALYANPUR District- East Champaran

1. Vishwanath Das S/O Late Gajar Das Resident of Village - Bahuara Haribansh, P.S. - Kalyanpur, District - East Champaran.
2. Raju Das @ Raju Kumar S/O Dhanai Das Resident of Village - Bahuara Haribansh, P.S. - Kalyanpur, District - East Champaran.
3. Lukesh Kumar S/O Vishwanath Das Resident of Village - Bahuara Haribansh, P.S. - Kalyanpur, District - East Champaran.
4. Mantu Kumar S/O Gopal Raut Resident of Village - Bahuara Haribansh, P.S. - Kalyanpur, District - East Champaran.
5. Gopal Raut S/O Madan Raut Resident of Village - Bahuara Haribansh, P.S. - Kalyanpur, District - East Champaran.
6. Sitaram Raut @ Sitaram Ray @ Sitaram Patel S/O Madan Ray Resident of Village - Bahuara Haribansh, P.S. - Kalyanpur, District - East Champaran.
7. Mahendra Das S/O Late Gajar Das Resident of Village - Bahuara Haribansh, P.S. - Kalyanpur, District - East Champaran.
8. Nand Kishor Das S/O Dasai Das Resident of Village - Bahuara Haribansh, P.S. - Kalyanpur, District - East Champaran.
9. Raj Kumar S/O Dasai Das Resident of Village - Bahuara Haribansh, P.S. - Kalyanpur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Adv.
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 22-03-2025 Heard the learned Advocate for the petitioners and the

learned APP for the State.

2. The petitioners apprehend their arrest in connection
with Kalyanpur P.S. Case No. 15 of 2024, registered for the
offences punishable under Sections 147, 149, 341, 323, 307, 354
and 188 of the Indian Penal Code.

3. Allegedly, on the fateful day, while all the accused



persons by making an unlawful assembly indulged in demolishing the wall of the informant and when the same was protested, all the petitioners assaulted the informant by means of fist and slap as well as *lathi*. There is specific allegation against the petitioner no. 2 that he assaulted the informant by means of iron rod, resulting into serious injury over his head. It is further alleged that when the mother and wife of the informant came in the rescue of the informant, both of them were also assaulted by accused persons.

4. Learned Advocate for the petitioners referring to the FIR contended that there is omnibus nature of allegation against all the petitioners. So far the injury sustained to the informant is concerned, the same is attributed to petitioner no. 2 (*Raju Das @ Raju Kumar*), however, found to be simple in nature. It is further contended that though the mother of the informant has sustained grievous injury, but apart from the same being caused on non-vital part of the body, i.e. on wrist; it has not been disclosed that who has caused this injury. In fact, there is a counter version of the present case being Kalyanpur P.S. Case No. 16 of 2024, and all the more, the genesis of occurrence is said to be a land dispute and the petitioners bear fair antecedent.

5. On the other hand, learned counsel for the State



opposed the pre-arrest bail application and submits that the petitioners have actively participated in the crime, in which one of the persons has sustained grievous injury.

6. Regard being had to the submissions made on behalf of the parties and considering the submissions aforementioned, coupled with the factum of case and counter case and the omnibus nature of allegation as well as the fair antecedent of the petitioners, let the petitioners above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.5,000/- (five thousand) **each** with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate – 4th, Motihari, East Champaran in connection with Kalyanpur P.S. Case No. 15 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

shivank/-

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

