

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78240 of 2024

Arising Out of PS. Case No.-263 Year-2024 Thana- KESARIA District- East Champaran

1. Banti Lal Das @ Banti Das @ Shanti Lal Das Son of Late Jagarnath Das Resident of Village- Trilokwa Ward No 1, Police Station-Kesariya, District-East Champaran
2. Tinku Das Son of Banti Lal Das @ Banti Das @ Shanti Lal Das Resident of Village- Trilokwa Ward No 1, Police Station-Kesariya, District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan, Advocate
For the Opposite Party/s : Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 27-01-2025 Heard learned counsel for the petitioners, learned APP for the State and perused the case diary.

2. The petitioners seek bail in Kesariya P.S. Case No. 263 of 2024, instituted for the offences punishable under Sections 189(2), 126(2), 115(5) (mentioned as 115(2) in the FIR), 118(1), 329(3), 329(4), 109, 76, 303(2), 352 and 351(2) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that, the petitioners along with other co-accused persons assaulted the informant and his family members by means of *lathi*, *danda* and *farsa* due to which they sustained injuries.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material have been recovered from the conscious possession of the petitioners. Learned counsel for the petitioners also submits that petitioner no. 1 is only an order giver and no specific allegation of assault has been levelled against him. It is also alleged that petitioner no. 2 as well as co-accused, namely, Chunnilal Das has assaulted on the back side of head of the informant by means of *farsa* and *dab*, therefore, no specific allegation of assault is levelled against petitioner no. 2. The allegation levelled against these petitioners are general and omnibus in nature. The petitioners are in custody since 17.08.2024 and have got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners 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 Court
below/concerned Court in connection with Kesariya P.S. Case
No. 263 of 2024.

(Rudra Prakash Mishra, J)

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