

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33170 of 2022

Arising Out of PS. Case No.-125 Year-2020 Thana- SAHAJITPUR District- Saran

1. LALDEO OJHA S/o Bhageshwar Ojha R/o village- Mouze Goan, P.S.- Sahajitpur, Distt.- Saran
2. Suresh Ojha S/o Bageshwar Ojha R/o village- Mouze Goan, P.S.- Sahajitpur, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 14-02-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek regular bail in connection with Sahajitpur P.S. Case No. 125 of 2020 registered for the offence under Sections 302/34 of the Indian Penal Code.

As per prosecution case, when the informant's father namely, Kailash Ojha was in his house at night, the accused persons including this petitioner came and assaulted him. After listening his voice, the informant came saw his father was fallen down and accused persons intimidated the informant to stop the construction work of house. Thereafter, informant brought his father to hospital for treatment but in the way he died.



Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. There is a land dispute going on between the parties since long due to which these petitioners have falsely been implicated in this present case. There is no intention at the end of the petitioners to kill the father of the informant and there is no sign of internal or external injury on his body as a result of assaulting. As per the postmortem report, the cause of death is opined due to Cardiopulmonary failure due to hypoglycemic shock. It is further submitted that the medical report does not corroborate the prosecution. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. The petitioners are languishing in judicial custody since 2.4.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Sahajitpur P.S. Case No. 125 of 2020 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge IX,



Saran at Chapra.

(Sunil Kumar Panwar, J)

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