

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61932 of 2023

Arising Out of PS. Case No.-324 Year-2023 Thana- KATIHAR NAGAR District- Katihar

1. MEGHA DEVI W/O SHYAM PASWAN R/O MOHALLA- TEJA TOLA, WARD NO. 4, P.S- KATIHAR SAHAYAK, DITT.- KATIHAR.
2. ASHA DEVI W/O PRAKASH PASWAN R/O MOHALLA- TEJA TOLA, WARD NO. 4, P.S- KATIHAR SAHAYAK, DITT.- KATIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghvendra Kumar Singh, Advocate.
For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioners and

learned A.P.P. for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Katihar Nagar (Sahayak) P.S. Case No. 324 of 2023 dated 2.5.2023 for the alleged offence under Sections 341, 323, 307, 504/34 of the Indian Penal Code. Subsequently, Section 302 of the Indian Penal Code was added.

3. As per the prosecution case, the informant gave a written report to the Police that her daughter was assaulted by co-accused Shyam Paswan and these two petitioners with *lathi* on her neck. The daughter of the informant was referred to the Katihar Medical College and Hospital and



she subsequently died due to her injuries.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. No occurrence as alleged has ever taken place. There is no eye witness to the alleged occurrence and the witnesses examined before the Police during examination are family members of the informant. Learned counsel further submits that the accused persons are agnates of the informant and close door neighbours and there is some land dispute between the parties and for this reason the petitioners have been falsely implicated. From perusal of the postmortem report it appears that no external or internal injury was found on the body of the deceased. Even the cause of death could not be ascertained in the postmortem and for this reason viscera was preserved. Learned counsel next submits that during course of investigation, the Doctor who conducted the postmortem was examined and he clearly mentioned that the deceased was suffering from some previous ailment and she had been referred to higher Centre due to her serious illness. She died during her treatment. Taking advantage of death of her



daughter, the informant falsely implicated the petitioners and co-accused. The independent witnesses in paragraphs 59 and 60 of the case diary have also not supported the case of the informant.

5. Learned APP for the State opposes the prayer for anticipatory bail of the petitioners.

6. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact of postmortem report not supporting the case of the informant and further considering the probability of false accusation, let the petitioners, above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with Katihar Nagar (Sahayak) P.S. Cse No. 324 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure with other following conditions:-

(i) *One of the bailors will*



be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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