

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5745 of 2024**

Arising Out of PS. Case No.-182 Year-2023 Thana- KADWA District- Katihar

1. Pramod Das Son Of Maheshwar Das R/O-Bishanpur, P.S.-Kadwa, Distt.-Katihar
2. Nitish Kumar Das Son Of Prakash Das R/O-Bishanpur, P.S.-Kadwa, Distt.-Katihar
3. Mangal Das Son Of Late Chandra Das R/O-Bishanpur, P.S.-Kadwa, Distt.-Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Balkrishna Mishra

For the Opposite Party/s : Mr. Dr. Mrityunjaya Kr.Gautam

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

5      12-07-2024                      Heard learned counsel appearing on behalf of  
  
the parties

2. The petitioners are named in F.I.R. and apprehending their arrest in connection with Kadwa P.S. case No. 182/2023 registered for the offences punishable under Sections 341, 323, 379, 308, 504, 506 and 34 of the Indian Penal Code.

3. The allegation against the petitioners is to make an attempt to commit culpable homicide not amounting to murder alongwith other co-accused persons, where during occurrence informant received several



injuries.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners have falsely been implicated with present case out of previous enmities. It is pointed out that prior to this occurrence, there was a case pending between the parties, which found registered as Kotwa P. S. Case No. 181/2023. In context of occurrence out of FIR, it is pointed out that as per first set of assault it appears that the petitioner assaulted the informant with fight and fists along with co-accused Nitish Kumar Das and subsequently he was alleged specifically to make an attempt to damage the eye of the informant causing an injury blow on the right eye. It is pointed out that nothing appears out of statement of informant/injured recorded under Section 161 of the Cr.P.C. which also available in paragraph no. 35 of the case diary, that any injury alleged to be inflicted on his head by these petitioners. While concluding the argument, it is submitted that petitioners are the man of clean antecedent.

5. Learned APP opposes the prayer for bail.



6. In view of aforesaid facts and circumstances as petitioners not appears to be alleged to assault on head of the informant/injured as per the narration of the FIR, coupled with the fact that petitioners are men of clean antecedent, accordingly, the above named petitioners, in the event of their arrest or surrender within a period of four weeks, is directed to be released on bail 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 Additional Chief Judicial Magistrate, Katihar/concerned Court, where the case is pending in connection with Kadwa P.S. Case No. 182 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

Sudha/-

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