

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28360 of 2024**

Arising Out of PS. Case No.-4 Year-2024 Thana- BALRAMPUR District- Katihar

1. O.P. Das @ Aufisher Das, age 62 years, Male, Son of Late Ram Mohan Das.
2. Dulal Das @ Dulal Kumar Das, age 22 years, Male.
3. Pramod Kumar Das @ Pramod Das, age 35 years. Male. Both are residents of Patharwari (Rautara), P.S. - Balrampur (Telta O.P.), District – Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

5 06-09-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Balrampur (Telta O.P.) P.S. Case No. 04 of 2024 instituted for the offences punishable under Sections 341, 323, 307 and 302/34 of the Indian Penal Code.

3. As per the prosecution case, all the FIR named accused persons made conspiracy attacked upon the informant's father and the victim became injured and later on during course of treatment, the victim died.

4. Learned counsel for the petitioners submits that petitioners are innocent have committed no offence and have



falsely been implicated in this case. The allegation levelled against the petitioners are false, concocted and baseless. He further submits that the petitioners have no criminal antecedents as stated in para 3 of the petition. He next submits that there is no direct or indirect allegation for commission of the said offence against the petitioners. There is land dispute between the parties and the petitioners never assaulted the informant's father but he himself fall down on the ground due to heart deceased.

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

6. From perusal of the FIR, case diary, injury report, FSL report, postmortem report and the impugned order of the learned Additional District and Sessions Judge-V, Katihar, it appears that the petitioners are named in the FIR and there is land dispute attributed between the parties. From perusal of the injury report, it appears that a single cut injury is found on the head of the injured. From perusal of the postmortem report, it appears that there is no either external or internal injury on the body of the deceased and as such the doctor has not ascertained exact cause of death. From perusal of the records, it also appears that the date of occurrence is dated 02.01.2024 and the injury report is dated 13.01.2024. From perusal of the FSL report, it appears that no Metallic, Alkaloidal, Glycosidal, Pesticidal and Volatile Poison



could be detected in the contents of all the six plastic dabba as described, so considering all these aspects of the matter, let the above named petitioners be released on anticipatory bail, in the event of their arrest or surrender before the Court below within six weeks from today, upon furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Balrampur (Telta) P.S. Case No. 04 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ramesh Chand Malviya, J)

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