

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82028 of 2024

Arising Out of PS. Case No.-80 Year-2024 Thana- TARABARI District- Araria

=====

Ramphal Choupal Das S/o Late Puran Chaupal Das R/o vill - Aamgachi, P.S.
- Tarabari, Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Nishant Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr.Sucheta Yadav, APP
For the Informant	:	Mr. Sarvottam Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 27-03-2025 Heard learned counsel for the petitioner, learned
counsel for the Informant and learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 302, 120(B) and 34 of the Indian Penal Code.

3. The case of the prosecution is that on 25.06.2024 at 9:30 A.M. he came out from the house and reached near '*Thandhua Bandh*'. He found that Lal Bihari Singh, Pankaj Chaupal, Satyanarayan Sharma and Munna Sharma were assaulting his father with '*fists*' and '*slaps*'. When the informant reached there, the accused persons complained him regarding the land dispute and also threatened him. After this, the informant advised his father that you went his house and he



proceeded for '*Chapania*'. When he returned in the evening, he came to know that his father did not return from '*Thandhua Bandh*', he went there along with the villagers and found the dead body of his father. Hence, the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in connection with the present case. From perusal of the FIR, it is clear that there is land dispute between the parties as also it is clear that informant is not the eye witness of the occurrence rather he had advised his father to go to home and thereafter, he proceeded to '*Chapania*'. On perusal of the case diary, it is further submitted that the dead body of the deceased was found near electric pole and from perusal of the post-mortem report, it transpires that the deceased had three pointed needle prick like injury marks seen behind the right ear over lateral neck and swelling was found on both sides. Regarding cause of death, the doctor has opined that no different opinion can be given regarding the cause of death. However, '*visera*' is preserved for Forensic and Chemical analysis, if required. From perusal of the diary and the FIR, it is clear that there is no eye witness to the occurrence. There is only suspicion that the deceased died due to electrocution but there is no such material in the post-mortem



report. Admittedly, there is land dispute between the parties. Moreover, the petitioner is languishing in judicial custody since 14.08.2024 having no criminal antecedent.

5. Learned counsel for the informant has opposed the prayer of regular bail stating that the informant is the eye witness of only first part of the FIR.

6. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Tarabari P.S. Case No. 80 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria.

(Ashok Kumar Pandey, J)

Jagdish/-

U		T	
---	--	---	--

