

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84731 of 2024

Arising Out of PS. Case No.-174 Year-2024 Thana- BIBHUTIPUR District- Samastipur

Phulchand Das @ Fulchand Das Son of Yogendra Das Resident of Village -
Sakhmohan, P.S. - Bibhutipur, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 06-02-2025 Heard learned counsel for the petitioner and Mr.
Nawal Kishore Prasad, learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 147, 148, 149, 323, 324, 354, 307, 341, 342, 302 of the Indian Penal Code.

3. The case of the prosecution is that on the date of occurrence, there was a dispute on mutual subject between the informant and petitioner along with others. Thirteen persons are named. It is also alleged that all the accused persons entered in the house of the informant and assaulted the husband of the informant with *lathi, danda, farsa* and *iron rod* and killed him.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He has got no criminal antecedent. It is also submitted that there is a counter version of this case and that Yogendra Das has also filed a case of the occurrence of same day. From perusal of the FIR, it is clear that the nature of allegation is general and omnibus. From perusal of *post mortem* report, it transpires that the deceased has received following injuries:

(1) Fracture of occipital lobe of head of dimension 3 inch x 2 inch x Scalp deep, irregular margin, raddish in colour. It reveals that only one *ante mortem* injury has been found on the body of the deceased, however, 13 persons are named as accused persons. There is no specific allegation of any overt act against the petitioner. It is further submitted that the petitioner is languishing in judicial custody since 14.06.2024.

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

6. Having heard learned counsel for the parties and considering the 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 Bibhutipur P.S. Case No. 174 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 S.D.J.M., Rosera, Samastipur.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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