

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40071 of 2014

Arising Out of PS.Case No. -8 Year- 2014 Thana -DHOLBAJJA District- BHAGALPUR

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Nand Kishore Mandal Son of Surya Narayan Mandal Resident of Village -
Luri Das Tola, Police Station - Dhobajja, District - Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Veena Rani Pd.(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 14-01-2015 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

The petitioner is in custody since 31.7.2014 in
Dholbajja P.S. Case No.8/14 for the offence under Section 302,34
of the I.P.C.

It has been submitted on behalf of the petitioner that
there seems to be different version with regard to the occurrence.

Originally, in the F.I.R. it is alleged that one day
prior to the occurrence ,i.e. on 11.5.2014 a quarrel had taken place
between her elder son, namely, Dharendra Mandal, and accused
persons, namely, Shailendra Mandal, Ram Lakhan Mandal and
Nand Kishore (the petitioner) in retaliation of which all accused
persons brutally assaulted the son of the informant which resulted

in severe injury causing his death. Subsequently, the father of the deceased, Yogendra Mandal also lodged the F.I.R.dated 12.5.2014 stating that while my elder son Dhirendra Mandal was in the field of maize some miscreants including the petitioner assaulted the informant's son which led to his death. Further, third complaint was filed by the wife of the deceased, Dhirendra Mandal in which she states that on 12.5.2014 while her husband was returning after taking medical treatment from the hospital on account of the injury sustained by him previously the police picked him up and took him to the police station where the deceased was badly beaten up resulting in his death.

Considering the fact that three versions have been adopted in the prosecution and also the fact that there is no further incriminating material in the case diary as stated by the learned counsel for the State and also the petitioner has been rotting in jail since 31.7.2014, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Sri R. Ranjan, J.M., 1st. Class, Naugachia, Bhagalpur, in Dholbajja P.S. Case No.8/14.

(Anjana Mishra, J)

AnilKrSinha/-

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