

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36227 of 2014

Arising Out of PS.Case No. -42 Year- 2012 Thana -JOGBANI District- ARRARIA

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Suren Mandal S/o Late Mukund Lal Mandal, resident of village
Baijnathpur P.S. Jogbani District Araria ,

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

2 20-03-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner prays for anticipatory bail in a case
registered under Section 302/34 of the Indian Penal Code.

The allegation in the first information report is that in a
fight between the maternal grandson of the informant aged about 9
years and one Nishikant Mandal aged about 15 years, the
petitioner along with two other persons was also present and
together they had beaten up the grandson. It is specifically alleged
in the first information report that one Biren Mandal strangled
the grandson and his son Nishikant Mandal was catching hold
from behind, as a result of which he died.

Learned counsel for the petitioner submits that there is
no specific allegation against the petitioner so far as the incident of
strangulation or even catching hold of the hand is concerned. It is

further submitted that from the post-mortem report also, the cause of death has not been stated to be strangulation and the viscera has been preserved for investigation.

It is also submitted by learned counsel for the petitioner that the charge sheet has been submitted by the police only against Biren Mandal under Section 304 I.P.C. but not against this petitioner and two others. However, cognizance was subsequently taken by the Chief Judicial Magistrate against the petitioner.

On a consideration of the facts and circumstances of the case the, petitioner, Suren Mandal, in the event of his arrest or surrender in the Court below within a period of four weeks from today, shall be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each in connection with Jogbani P.S. Case No.42/2012 to the satisfaction of the Chief Judicial Magistrate, Araria, subject to the other conditions stipulated in Section 438 (2) of the Cr.P.C.

(Ramesh Kumar Datta, J)

V.P.Sinha/-

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