

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6493 of 2015

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

1. Shailendra Mandal Son of Muso Mandal Resident of Village - Luri Das
Tola, P.S. - Dholbajja, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Soni Shrivastava

For the Opposite Party/s : Mr. Shailendra Kumar No.1(App)

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

2 19-02-2015 Heard learned counsels for the petitioner and the

State.

The petitioner is languishing in custody since
6.8.2014 in a case registered for the offences punishable
under Sections 302/34 of the Indian Penal Code.

It is alleged that the petitioner, Ram Lakhan
Mandal and Nand Kishore Mandal assaulted the elder son
of the informant, namely, Dharendra Mandal on 11.5.2014
and again on 12.5.2014 who succumbed to the injury in
Naugachhia hospital.

It is submitted by the learned counsel for the
petitioner that one day prior to the occurrence, the victim,
the alleged son of the informant lodged Dholbajja P.S. Case



No. 7 of 2014 under sections 341,323,324,504 and 506 IPC wherein it was alleged that co accused Ram Lakhan Mandal assaulted with Dabia which caused injury on the right eyebrow of the victim, as a result he got unconscious. The third version is the complaint filed by the wife of the deceased on 3.6.2014 where also in paragraph 1 she has admitted that on 11.5.2014 the injury was caused by Ram Lakhan Mandal with Dabia on the right eyebrow of the victim. Thereafter, on 12.5.2014 all the accused persons including the police personnel took the victim to Dholbajja police station where he was assaulted.

It is further submitted that inconsistencies in the three versions cloud the bonafide of the accusation levelled by the informant. The postmortem report reflects only one injury on the right eyebrow of the victim which, admittedly, as per victim's written report, was caused by co accused Ram Lakhan Mandal. Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the aforesaid facts, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like

amount each to the satisfaction of learned JM Ist Class,
Naugachia, Bhagalpur in connection with Dholbajja P.S.
Case No. 08 of 2014.

(Dinesh Kumar Singh, J)

Anil/-

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