

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2897 of 2016

Arising Out of PS.Case No. -372 Year- 2014 Thana -ROSERA District- SAMASTIPUR

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1. Ram Prakash Mandal @ Panjabi @ Panjibi S/o Late Nirdhan Mandal
2. Baliram Mandal
3. Krishna Kumar Mandal @ Rajkishore Mandal
Both sons of Ram Prakash Mandal @ Panjabi @ Panjibi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra
For the Opposite Party/s : Mr. Manish Kumar-Ii(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 16-02-2016 Heard learned counsel for the petitioners as well as

learned Additional Public Prosecutor for the State.

Petitioners are named with allegation that they as well as other accused, mercilessly, assaulted the deceased by means of iron rod and other weapons and it is specifically, stated that petitioner Nos. 1 and 2 assaulted the deceased by iron rod and Lathi, causing injury on the back side of head of the deceased.

Admittedly, the first information report was recorded on 15-12-2014 at 8.00 a.m. after the death of the deceased whereas; occurrence had taken place on 14-12-2014 at about 8.00 p.m. The inquest report was prepared on 15-12-2014 at 8.30 p.m. and in column 5 of the inquest report, the I.O. noticed injury on the back of head of the deceased but postmortem report does not

support the aforesaid findings of the I.O. because no injury on the back side of head of the deceased was found.

Learned counsel for the petitioners submits that the doctor could not succeed to give his opinion, regarding the actual cause of death of the deceased and kept his opinion reserved till report of FSL and, therefore, the aforesaid fact, clearly, goes to show that the prosecution has not come with clean hands.

Considering the above-said facts and circumstances of the case as well as submission of the parties and also taking note of this fact that only bruises and swelling were found on the person of the deceased and the doctor kept his opinion reserved regarding the actual cause of death of the deceased, let the petitioners named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Rosera P.S. Case No. 372 of 2014 to the satisfaction of learned Additional Chief Judicial Magistrate, Rosera.

A.K.V./-

(Hemant Kumar Srivastava, J)

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