

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17762 of 2016

Arising Out of PS.Case No. -152 Year- 2015 Thana -KHARAGPUR District- MUNGER

Prakash Mandal, son of Bhuneshwar Mandal, resident of Village Galimpur,
Police Station Haveli Kharagpur, District- Munger.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha

For the Opposite Party/s : Mr. Dashrath Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 29-04-2016

Heard learned counsel for the petitioner and the learned

A.P.P. for the State.

The petitioner is accused in connection with Kharagpur P.S. Case No. 152 of 2015, registered under Section 302/34 of the Indian Penal Code.

The accusation is that on 20.06.2015 at about 5.00 P.M. in the evening Ankit Kumar, son of the informant and Manish Kumar were quarreling each other, then Mamta Devi wife of the informant rushed there to stop the quarreling. In the meantime, petitioner along with his wife Karuna Devi and his son Manish Kumar reached there and at that time, petitioner gave blow through the piece of wood at the head of Mamta Devi causing injury on her head and she fell down. Thereafter, all the persons assaulted through lathi and stick in presence of the petitioner. After receiving information regarding the occurrence, informant came to his house and brought his wife to Sadar Hospital Munger from where she has been referred to

Mayaganj Hospital, Bhagalpur where she died on the next day.

Learned counsel for the petitioner submits that, in fact, petitioner and the informant are co-villager and there is land dispute in between the petitioner and informant due to that reason petitioner has been implicated in this case. Further submission is that, in fact, wife of the informant fell down from the roof and sustained head injury, who died on the next day in course of treatment, but due to ulterior motive, petitioner and his family members have been implicated in this case. Further submission is that informant is not eye-witness of the occurrence. The occurrence is of 20.06.2015 in the evening, but the F.I.R. has been lodged in the night of 21.06.2015 and there is no explanation about the delay in lodging the F.I.R. The petitioner having no criminal antecedent is in custody since 22.06.2015.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Munger in connection with Kharagpur P.S. Case No. 152 of 2015.

(Rajendra Kumar Mishra, J)

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