

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43721 of 2016

Arising Out of PS.Case No. -164 Year- 2016 Thana -FALKA District- KATIHAR

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1. Sadhan Mandal S/o Late Ganeshi Mandal
2. Sova Devi @ Shobha Devi W/o Sadhan Mandal Both Resident of
Village-Gopalpatti, P.S. Falka, District-Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Soni Shrivastava, Adv.

For the Opposite Party/s : Mr. Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 16-12-2016 Heard both sides.

The petitioners seek bail in Falka P.S. Case No. 164/2016, registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

The informant wife of the deceased alleged that she got information on her mobile that Sadhan Mandal (petitioner no. 1), Guddu Mandal and Shobha Devi (petitioner no. 2) assaulted her husband near the disputed land, when the informant went to the place of occurrence, she found her husband lying dead. Her brother Rupesh Kumar narrated the story about the occurrence.

Learned counsel for the petitioners submits that petitioners are alleged to have assaulted the deceased with fists and slaps, but no external or internal injury was found. The deceased died due to internal hemorrhage and shock. At best



offence under Section 304 part 2 of the Indian Penal Code is made out in this case, as there was no intention to kill the deceased by assaulting fists and slaps. The petitioners are husband and wife. Prior to the occurrence the brother of the petitioner filed case against the deceased.

On the other hand, learned A.P.P. opposed the prayer for bail and submitted that Rupesh Kumar in para 7 and Ramchandra Kumar Mandal in para 8 of the case diary are the eye-witnesses of the occurrence and they have stated that both the accused persons assaulted the deceased with fists and slaps.

Considering the facts aforesaid and the fact that petitioners are alleged to have assaulted the deceased with fists and slaps, but no external or internal injury was found, the petitioners above-named are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate -V, Katihar in connection with Falka P.S. Case No. 164/2016.

(Prabhat Kumar Jha, J.)

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