

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.18048 of 2016**

Arising Out of PS.Case No. -227 Year- 2015 Thana -BISFI District- MADHUBANI

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Lal Bahadur Mandal Son of Ram Autar Mandal, resident of village -  
Gajawa, P.S. Bisfi, District – Madhubani. .... Petitioner

Versus

The State of Bihar .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party : Mr. Satyavrat Verma (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**

**ORAL ORDER**

3      27-06-2016                      Heard learned counsel for the petitioner and learned A.P.P.  
representing the State.

The petitioner seeks bail in connection with Bisfi P.S. Case  
No. 227 of 2015 registered for the offences punishable under  
Sections 341, 323,354, 302 and 34 of the Indian Penal Code.

In the First Information Report there is an allegation  
against the petitioner that he assaulted Dukhi Mandal with ankle on  
his abdomen and in the morning Dukhi Mandal, the father of the  
informant, died.

Submission is of false implication and that during  
investigation the informant and other witnesses have made general  
allegation against all the accused persons, eye witness Mina Devi  
has stated that the deceased died due to abdominal pain and there is  
land dispute from earlier between the parties, witnesses vide para  
68,69,70,71,72 &73 of case diary have stated that due to abdominal  
pain the deceased died and he was treated by village doctor Shashi

Kant, post-mortem report also does not support the prosecution version and as such the petitioner who is in custody since 22.01.2016 deserves sympathetic consideration to which the learned A.P.P. opposes.

In the facts and circumstances stated above, considering the statement of independent witnesses as stated above and further considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount to the satisfaction of the learned J.M. 1<sup>st</sup> class, Benipatti, Madhubani in connection with Bisfi P.S. Case No. 227 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

veena/khushbu

**(Jitendra Mohan Sharma, J)**

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