

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30215 of 2017

Arising Out of PS.Case No. -247 Year- 2015 Thana -SULTANGANJ District- BHAGALPUR

=====

Tuntun Mandal @ Tunma Mandal S/o Jagdish Mandal R/o Purani Durga
Sthan, Gali No. 1, P.S.- Sultanganj, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rama Kant Singh

For the Opposite Party/s : Mr. Sri Anish Chandra

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 08-09-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since 18.04.2017 in connection with Sultanganj P.S. Case No. 247 of 2015 for offences punishable under Sections 341, 323, 385, 307, 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that he works as a contractor undertaking works of the Nagar Nigam and few days back co-accused Golu Mandal and Atul Mandal had demanded Rangdari. On 23.10.2015 while he was seeing the Durga Visarjan procession from his house the co-accused Golu Mandal and Atul Mandal and the petitioner along



with 4-5 persons not named in the F.I.R came and assaulted him. The allegation upon the petitioner is of assaulting the informant by means of iron rod.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and that he has been falsely implicated as there was Durga Visarjan procession and the informant was standing outside the house. He submits that although the date of occurrence was on 23.10.2015 his fardbeyan has been recorded by the police on 31.10.2015 and F.I.R. lodged on 10.12.2015 after inordinate delay and no plausible explanation has been given for such delay. He submits that the wife of the informant who was present has stated as witness that there were 10-15 persons along with co-accused and the petitioner who assaulted the informant. He submits that no case under Section 27 I.P.C. is made out and there is no allegation of any firearm shot by the petitioner and that charge-sheet has already been submitted hence there is no chance of tampering with the prosecution witnesses.

However, learned counsel for the informant submits that the informant was brutally assaulted and was referred to the P.M.C.H. and his statement was recorded in the P.M.C.H. and hence, the delay occurred in fardebeyan. He



submits that the injury has been found to be grievous in nature on the parietal region, hence vehemently opposes the prayer for bail. Counsel for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Sultangunj P.S. Case No. 247 of 2015 pending in the court of learned A.C.J.M.-1, Bhagalpur. However, the petitioner may renew his prayer for bail after framing of charge.

The application is, accordingly, rejected.

(Nilu Agrawal, J)

Devendra/-

U		T	
---	--	---	--

