

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48971 of 2016

Arising Out of PS.Case No. -134 Year- 2015 Thana -AMDABAD District- KATIHAR

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DAMODAR MANDAL Son of Late Kritibas Mandal resident of village -
Gouri Kant Tola, Amdabad, Police Station Amdabad, District Katihar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 25-01-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

This is an application for grant of bail for offences
punishable under Sections 302/34 of the Indian Penal Code.

It is alleged in the written report that informant got
information on 5.11.2015 at 5 P.M. from one unknown person that
his father is lying unconscious at Budh Barhi Hatia Chowk,
Durgapur. Informant with his son Vikram Mandal had gone there
on motorcycle and saw his father lying, blood was oozing from his
body below the right ear and red spot on his face. One Nitya
Gopal Das told informant on query that Damodar Das and
three/four other persons had assaulted his father with lathi, danda,
fists and slaps. Informant took his father on motorcycle and
proceeded for hospital but before he reached his house, his father
died on the way.

Learned A.P.P. has pointed out that Nitya Gopal Das
in his statement at para-13 of the case diary has stated that
mere suspicion has been raised against the petitioner and



similar statements have been made in paras-14, 15 and 24 of the case diary as mentioned in the order of the learned Sessions Judge. It appears from the impugned order that no specific overt act has been levelled against this petitioner and the post mortem report shows that cause of death is due to haemorrhage and shock caused by hard and blunt substance. Petitioner is in custody since 7.11.2015.

Considering the facts and circumstances of the case, let above named petitioner be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-Vth, Katihar, in connection with Sessions Trial no. 187 of 2016 arising out of Amdabad P.S. Case no. 134 of 2015 on condition that both the bailors shall be close relatives of the petitioner.

(Sanjay Priya, J)

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