

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54600 of 2016

Arising Out of PS.Case No. -127 Year- 2015 Thana -BEUR District- PATNA

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Amit Kumar Mandal Son of Bhagwan Mandal R/o Village- Harshwara,
Police Station-Khajauli, Post Office-Kanhauli, District-Madhubani

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate
Mr. Ratanakar Jha

For the Opposite Party/s : Mr. Smt. Rita Verma

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

ORAL ORDER

3 17-01-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Beur P.S. Case
No. 127 of 2015 registered for the offence punishable under
Sections 302/34 of the Indian Penal Code.

Allegedly, the petitioner and other co-accused assaulted
under trial prisoner Chandan Kumar in jail premises causing his
death and broken cricket bat was also recovered.

Submission is of false implication and that there is no
specific allegation against the petitioner, some altercation has
taken place and the petitioner was not involved in that altercation,
the deceased was found in unconscious state in the morning of the
alleged occurrence and thereafter, he was taken to hospital where
he was declared brought dead. The fardbeyan of one constable



who took the deceased to hospital was recorded on 04.07.2015 and in the aforesaid fardbeyan the aforesaid constable stated that the deceased was ill and that was the reason he was taken to hospital. However, after the death of the deceased the present case was lodged by the Jail Superintendent. In course of investigation the other inmates of concerned cell stated that in the midnight of alleged occurrence deceased was assaulted by petitioner and other accused. The post mortem report goes to show that some injuries were found on the person of the deceased. When the Jail authority could not explain the injuries found on the person of the deceased they implicated the petitioner and other co-accused in the present case. It is further submitted that co-accused Sonu Kumar has been allowed bail vide order dated 19.12.2016 passed in Cr. Misc. No. 31477 of 2016 by another co-ordinate Bench of this Court and prayer of bail of co-accused Chandan @ Sipahi was rejected by this Court. It is further submitted that the petitioner is 40 % disabled person.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering that the petitioner is a disabled person and another co-accused Sonu Kumar has been allowed bail by another co-ordinate Bench of this Court, 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 each to the satisfaction of Sri Maghabendra Singh, J. M. Ist Class, Patna in connection with Beur P.S. Case No. 127 of 2105, 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.

(Jitendra Mohan Sharma, J)

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