

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3097 of 2017

Arising Out of PS.Case No. -34 Year- 2017 Thana -BARIYARPUR District- MUNGER

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Fokal Mandal, Son of Late Mahadeo Mandal, Resident of Village –
Ghorghat, P.S. – Bariyarpur, District – Munger.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajit Kumar Singh

For the Respondent/s : Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 09-11-2017 The appellant seeks regular bail in connection with

Bariyarpur P.S. Case No. 34 of 2017, registered for offences

punishable under Sections 147, 148, 149, 323, 324, 325, 307, 302,

448, 504 and 506 of the Indian Penal Code and section 3(1)(x) of

SC/ST Act.

Allegation against the appellant and other accused person

is of assault to the deceased causing his death.

It has been submitted on behalf of the appellant that there

is no allegation of assault against the petitioner rather the same is

against other co-accused of this case and at best appellant can be

said to be the order giver. Further he has been in judicial custody

for last three months and now charge-sheet has been submitted.

Learned Special P.P. opposed the prayer for bail drawing

the attention of this Court towards the impugned order, which



shows that this petitioner has assaulted the deceased by rod.

Countering to the submission of learned Special P.P., learned counsel for the appellant has submitted that facts mentioned in the impugned order that appellant has also assaulted, is an error of record.

Having heard both sides, considering the facts and circumstances of the case and submission of the parties, this appeal is disposed of with direction to the Special Court to verify the said submission of learned counsel for the appellant from the case diary and if there is no allegation of assault against the appellant, learned Special Court shall release the petitioner on bail to his own satisfaction otherwise he is free to pass any order as he deems fit and proper.

(Vinod Kumar Sinha, J)

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