

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34085 of 2018

Arising Out of PS.Case No. -282 Year- 2017 Thana -PHULPARAS District- MADHUBANI

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Domi Mandal, Son of Late Sampati Mandal, resident of Village- Garba,
P.S.- Phulparas, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa

For the Opposite Party/s : Mr. Md. Ashlam Ansari

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 12-07-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since
05.12.2017 in connection with Phulparas P.S. Case No. 282 of
2017 for offences punishable under Sections 147, 148, 149, 341,
323, 302 and 120(B) of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while his brother Uday Maharaj (deceased) was going to his
field on the way 11 persons and 5 unknown persons started
assaulting him with lathi, danda, rod, bat and wicket, as a result,
he was brutally injured and while being taken to the hospital, he
succumbed. The cause of dispute was election of Panchayat.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history, not named in the F.I.R. although the informant in his restatement has named him along with three more persons. He submits that incident occurred due to cricket match in which both parties had some fight and the informant's brother got injured and died. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned counsel for the informant as well as learned APP for the State vehemently oppose the prayer for bail stating therein that the informant in his restatement has named the petitioner along with three others and two independent witnesses who were eye witnesses have seen 15 persons including the petitioner to be assaulting the informant's brother. He submits that postmortem report also suggests external and internal injuries.

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 Phulparas P.S. Case No. 282 of 2017, pending in the court of learned Additional Chief Judicial Magistrate-II, Jhanjharpur.



The application is, accordingly, rejected. However, petitioner is at liberty to renew his prayer for bail after framing of charge.

(Nilu Agrawal, J)

Devendra/-

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