

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31771 of 2018

Arising Out of PS.Case No. -3 Year- 2018 Thana -KUMARGHAND District- MADHEPURA

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Shankar Mandal, Son of Late Upendra Mandal, Resident of Village- Sirsia,
P.S.- Bhargama, District- Araria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Vishoka Nand

For the Opposite Party/s : Sri Manoj Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 12-07-2018 Heard learned counsel for the petitioner and learned
Additional Public prosecutor for the state.

The petitioner seeks bail in connection with
Kumarkhand P.S. Case No. 03 of 2018 registered for the offences
punishable under sections 302, 341, 324, 504, 323 and 34 of the
Indian Penal Code.

The allegation, as per FIR, is that the petitioner
assaulted the deceased (wife of informant) by Dabiya causing her
death on the spot.

It has been submitted that the allegation of assault is
omnibus against all the FIR named accused. No motive has been
assigned for assaulting the deceased and so no offence under
section 302 of Indian Penal Code is made out against this



petitioner. The other co-accused Munchun Devi @ Sunita Devi has been allowed bail by one of the coordinate Bench of this Court in Cr. Misc. No. 14576 of 2018. This petitioner is in custody since 08.01.2018 having clean antecedent and so he deserved to be enlarged on bail.

The learned Additional Public Prosecutor on the other hand opposed the submission.

On perusal of FIR and material on record, I find that this petitioner is the main accused who had assaulted the deceased and also caused cut injury on the hand of her daughter by Dabiya. In post mortem report, the doctor has reported cause of death due to excess bleeding, haemorrhage and shock. The witnesses in course of investigation have supported the allegation of assault by this petitioner.

Considering the specific allegation of assault by this petitioner resulting death of deceased, I am not inclined to grant him bail. His bail prayer stands rejected.

(Sanjay Kumar, J)

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