

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70596 of 2018

Arising Out of PS. Case No.-140 Year-2018 Thana- BAJPATTI District- Sitamarhi

Prem Mandal Son of Late Jugeshwar Mandal, Resident of Village-Rasalpur,
P.S.-Bajpatti, Dist-Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Smt. Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 01-02-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 9.7.2018 in a case registered for the offences punishable under Sections 341,323,307 and 379/34 of the I.P.C.

The prosecution case as per the written report of Pappu Kumar dated 7.6.2018 submitted to the SHO, Bajpatti Police Station is to the effect that on 6.6.2018 at 7.00 P.M. the informant went to the betel shop of co-accused Manoj Mandal and gave him a Five-hundred-rupee note but he returned the balance assuming that the informant gave him a one-hundred-rupee note, which resulted in hot exchange between Manoj Mandal and the informant when co-accused Manoj Mandal abused the informant. Thereafter, the petitioner being father of co-accused Manoj Mandal who was sitting there, and on the order co-accused Sundar Mandal, initially co-accused Manoj



Mandal assaulted the informant on his head with Sarauta (a sharp cutting weapon) causing bleeding injury. Thereafter it is alleged that the petitioner assaulted the informant with iron rod and co-accused Sundar Mandal snatched a gold chain and Rupees Eight Thousand Five Hundred from the pocket of the informant.

It is submitted by learned counsel for the petitioner that in the background of petty dispute the accusation has been levelled. It is further submitted that the thrust of accusation is against co-accused Manoj Mandal who has been granted bail by a Bench of this Court vide order dated 20.9.2018 passed in Cr. Misc. No. 55400 of 2018. The injury report suggests that the injury is simple in nature and has been caused by hard and blunt substance, which demolishes the prosecution version that co-accused Manoj Mandal assaulted with a sharp cutting weapon. There is counter version of the occurrence being Bajpatti P.S. Case No. 147 of 2018.

Learned APP submits that there is specific accusation of assault against the petitioner.

Considering the accusation not being corroborated by the medical opinion and the period under custody, let the petitioner above named be released on bail on furnishing bail



bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Pupri at Sitamarhi in connection with Bajpatti P.S. Case No.140 of 2018.

(Dinesh Kumar Singh, J)

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