

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9725 of 2020

Arising Out of PS. Case No.-209 Year-2019 Thana- PIPRA District- Supaul

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Tuntun Mandal, aged about 30 years, Male, Son of Sato Mandal @
Satyanarayan Mandal, Resident of Village Rampur, Tola Jamuha, P.S. Pipra,
District Supaul.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raushan

For the Opposite Party/s : Mr.Shantanu Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 02-06-2020 Heard both sides through video conferencing.

The petitioner seeks bail in Pipra P.S. Case No.209 of
2019, registered under Sections 302 and 34 of the Indian Penal
Code.

The gist of the allegation against the petitioner is that
the petitioner and Mukesh Mandal came on the darwaza of the
informant and took Nunulal Mandal on their motorcycle. The
informant alleged that both the petitioner and his friend killed
his uncle by giving him excessive wine and threw his dead
body.

Learned counsel for the petitioner submits that there is
no evidence that the petitioner forced Nunulal Mandal to take
wine. Nunulal Mandal himself took wine according to his



wishes and while he was going to his house, he fell down and died. The post-mortem report shows that there is no external or internal injury on the body of the deceased. The viscera was kept reserved and the opinion with regard to death of the deceased is also kept reserved. There is absolutely no material to show that the petitioner killed Nunulal Mandal.

The learned Additional P.P. however, opposed the prayer for bail and submits that there is allegation that the petitioner and another accused forced Nunulal Mandal to take excess wine, therefore, the petitioner does not deserve bail.

On perusal of the record, it appears that of course the petitioner and another accused took the deceased along with them and they took wine but there is no material to show that the petitioner forced Nunulal Mandal, the deceased, to take excess wine which resulted in the death of Nunulal Mandal. From perusal of the post-mortem report, it appears that there was no external injury. The doctor also did not find any internal injury. Viscera was kept reserved and till the examination of viscera, the opinion with regard to death is also reserved. There is no allegation against the petitioner that he caused the death of the deceased.

Considering the facts aforesaid, the petitioner, above



named, is directed to be enlarged 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 A.C.J.M.-VIth, Supaul in connection with Pipra P.S. Case No.209 of 2019.

(Prabhat Kumar Jha, J)

S.KUMAR/-

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