

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18821 of 2020

Arising Out of PS. Case No.-8 Year-2020 Thana- SAKATPUR District- Darbhanga

1. RAJ KUMAR MANDAL Son of Satya Narayan Mandal Resident of Village - Ujan Sonpur, P.S.- Sakatpur, District- Darbhanga
2. Satya Narayan Mandal Son of Late Khattar Mandal @ Baldev Mandal Resident of Village - Ujan Sonpur, P.S.- Sakatpur, District- Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs.Shama Sinha
For the State	:	Mr.Nawal Kishore Prasad
For the informant	:	Mr. Manish Kumar No. 13

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 02-09-2020 Heard Sri Krishna Prasad Singh, the learned senior counsel for the petitioner, the learned APP and the learned counsel for the informant.

The matter has been taken up through video conferencing.

The petitioners seek bail in Sakatpur P.S. case No. 8/2020 registered u/s 341, 323, 354, 302/34 of the IPC.

The informant is the widow of the deceased. The informant alleged that Raj Kumar Mandal, petitioner No.1, informed the informant that her form for Identity card was rejected on which the informant demanded Rs. 50/- from Raj Kumar Mandal. The accused persons abused and assaulted her. When the husband of informant came to know about the incident he went to the house of the petitioners to enquire about but her husband did not return. The informant went in search of her husband and found her husband lying unconscious in a



ditch. It is further alleged that on query the husband of the informant disclosed to her that Raj Kumar Mandal, petitioner No.1, Sabita Devi, Pankaj Kumar Mandal, Bishwajit Kumar Mandal and Satya Narayan Mandal, petitioner No.2, assaulted him and threw him in a ditch. While the informant was taking her husband to hospital he succumbed to the injuries.

The learned senior counsel for the petitioners submits that at the first instance the husband of the informant disclosed that her husband was unconscious but even being unconscious the husband of the informant is said to have disclosed the name of five persons, including the petitioners, that all the five assaulted him and threw him in a ditch. It is further submitted that in the inquest report only one injury was found in the knee of the deceased but the post mortem report reveals that deceased got two injuries one on middle of right side of forehead of skull but the same injury was not found in the inquest report. Second injury is lacerated wound with irregular margin over middle of front of right knee. Five persons are alleged to have assaulted the husband of the informant but only two injuries one on leg and another on forehead was found. No specific allegation of assault is made against the petitioners. The petitioners are in custody since 29.01.2020.

The learned APP and the learned counsel for the informant opposed the prayer for bail with full force but could not be able to show that petitioners are assailants of the deceased.

It appears that five persons are alleged to have assaulted the deceased but only two injuries, one on right side of forehead, which is the cause of death, and another on the knee of the deceased was found. No specific allegation of assault is



made against the petitioners and the petitioners are in custody since 29.01.2020.

Considering the facts aforesaid and the nature of allegation made against the petitioners, the petitioners, above named, are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VIII, Darbhanga in connection with Sakatpur P.S. case No. 8/2020.

(Prabhat Kumar Jha, J)

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