

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41170 of 2020

Arising Out of PS. Case No.-08 Year-2020 Thana- SAKATPUR District- Darbhanga

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1. PANKAJ KUMAR MANDAL Son of Satya Narayan Mandal Resident of Village-Ujan Sonpur, P.S.-Sakatpur, District-Darbhanga.
 2. Vishwajit Kumar Mandal Son of Satya Narayan Mandal Resident of Village-Ujan Sonpur, P.S.-Sakatpur, District-Darbhanga.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv.
: Mr. Bhaskar Shankar, Adv.
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 22-03-2021 Heard Mr. Krishna Prasad Singh, learned counsel

for the petitioners and Mr. Ram Priya Sharan Singh, learned

APP for the State.

The petitioners seek bail in anticipation of their

arrest in connection with Sakatpur P.S. Case No. 08 of 2020

instituted for the offences under Sections 302/34, 341, 323

and 354 of the Indian Penal Code.

The informant, who is the wife of the deceased has

alleged that she had gone to the office of the Aanganwadi

Sevika viz Savita Devi, wife of Raj Kumar Mandal for



collecting her identity card. She was made to understand that her form had been rejected. When the informant is said to have demanded her money (Rs. Fifty) back, she was abused by Savita Devi (Aanganwadi Sevika) and her husband Raj Kumar Mandal. The informant is said to have come back home and told this to her husband, who went to Raj Kumar Mandal to confront him regarding the aforesaid act of assaulting his wife. When the husband of the informant did not come for a long time, she came out in search of him and found that he was lying unconscious on the flank of the road. He is said to have told the informant that Raj Kumar Mandal, Savita Devi and the petitioners had assaulted him and had thrown him at that place. On her screams, many people of the locality came and took the husband of the informant to the hospital but on way, he died.

Learned senior counsel for the petitioners has submitted that the informant was first assaulted, abused and insulted by the Savita Devi and her husband Raj Kumar Mandal. The husband of the informant had gone to accost



aforesaid Savita Devi and her husband. However later, the names of the petitioners also is said to have been taken by the husband of the informant, who later died that they too also assaulted him.

Learned counsel for the petitioners has further submitted that according to the own showing in the F.I.R. by the informant, she had found her husband lying unconscious by the side of the road. In that event, the husband narrating the names of the petitioners also as one of the assailants cannot be accepted as the correct statement.

Five persons are said to have assaulted the deceased but there is only one injury on his knee, which fact appears from the postmortem report.

There was no occasion for the petitioners to have done anything to the deceased specially when they were not part of the transaction which had taken place and which has been narrated in the first part of the First Information Report.

Considering the afore-noted aspects of the matter, two of the accused persons of this case, namely, Rajkumar



Mandal, the husband of aforesaid Savita Devi and Satya Narayan Mandal have been granted bail by a Bench of this Court.

Regard being had to the afore-stated facts, the petitioners, above named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -VIII, Darbhanga, in connection with Sakatpur P.S. Case No. 08 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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