

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38579 of 2020

Arising Out of PS. Case No.-124 Year-2020 Thana- DHURAIYA District- Banka

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1. Mantun Mandal, son of Late Puran Mandal.
 2. Shekhar Mandal, son of Mantun Mandal.
 3. Bambam Mandal @ Bamshankar Mandal, son of Mantun Mandal.
 4. Pawan Mandal, son of Shyamsundar Mandal.

All are resident of Village- Pair, P.S. Dhoraiya, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandan Prasad, Adv.

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 27-05-2021 Heard Mr. Brij Nandan Prasad, the learned Advocate for the petitioners and Dr. Indihar Kumari, the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Dhoraiya P.S. Case No. 124 of 2020, dated 30.05.2020, instituted for the offences under Sections 302 and 34 of the Indian Penal Code.



Though the petitioners are said to have assaulted the deceased but according to the postmortem report, there is no external or internal injury. However, a look at the postmortem report reveals that the deceased died of cranial hemorrhage.

Since the petitioners were seen by the informant assaulting the deceased and the deceased died due to hemorrhage, this Court is not inclined to grant anticipatory bail to the petitioners.

The prayer for grant of anticipatory bail of the petitioners is, accordingly, rejected.

However, if the petitioners surrender before the Court below and seek bail, the Court below, after taking into account the fact that the deceased had suffered no external or internal injury and the postmortem report also does not clearly specify whether the cranial hemorrhage was because of any assault or was in natural course of illness of the deceased, shall pass orders in accordance with law, without being prejudiced by the fact that the present anticipatory bail application has not been entertained by this Court.



With the aforesaid observation/direction, the application stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

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