

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40655 of 2020

Arising Out of PS. Case No.-253 Year-2020 Thana- RANIGANJ District- Araria

Gyanchand Mandal, Son Of Sadanand Mandal Resident Of Village - Basgara,
P.S.- Raniganj, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Viveka Nandsingh- Advocate
For the Opposite Party/s	:	Ms. Asha Devi- A.P.P.
For the Informant	:	Mr. Gopal Kumar Jha- Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 09-07-2021 Heard Mr. Viveka Nand Singh, the learned Advocate

for the petitioner, Mr. Gopal Kumar Jha, the learned Advocate

for the informant and Ms. Asha Devi, the learned APP for the

State.

The petitioner seeks bail in anticipation of his arrest in
connection with Raniganj P. S. Case No. 253 of 2020, instituted
for the offences under Sections 341, 323, 324, 325, 307, 354B,
379, 447, 448, 427, 504, 506 of the Indian Penal Code.

The occurrence started when the son of the informant
was abused by one Arun Mandal. When the informant protested
against such behaviour towards his son, he was assaulted by
many of the accused persons. While warding off the attack on
him by the accused persons, he got injured. The petitioner is



alleged to have assaulted the father of the informant on his thigh. He died after two months of the occurrence and thereafter this case was converted into one under Section 302 of the I.P.C.

The learned Advocate for the petitioner has submitted that no doubt the petitioner is said to have assaulted the father of the informant on his thigh but the post mortem report clearly reveals that the cause of the death could not be ascertained.

Apart from this, it has been submitted that on the thigh of the deceased, an old scar was noticed by the doctor conducting autopsy. The deceased is 78 years old.

Thus, it has been argued that the death of the deceased cannot be said to be relatable to the assault perpetrated on him by the petitioner.

Apart from this, it has been submitted that there is a counter-version of the occurrence also in which many persons from the side of the petitioner have been injured and the accused persons of that case have been granted anticipatory bail.

Thus, it has been submitted that the dispute began on a very flimsy issue but unfortunately the father of the informant died. Whether the death was because of the assault by the petitioner is not known. The other accused persons of this case have been granted anticipatory bail by a Bench of this Court.



On these grounds, Mr. Vivekanand Singh prays for grant of anticipatory bail to the petitioner.

The post mortem report of the deceased reveals that there was an injury on his thigh. Since the petitioner is alleged to have assaulted the deceased on his thigh, I am not inclined to grant anticipatory bail to him, notwithstanding the fact that the deceased died after two months of the occurrence.

The prayer for anticipatory bail is rejected.

However, if the petitioner surrenders before the Court below and seeks bail, it shall be considered on his own merits, taking into account that the cause of the death could not be ascertained, the other accused persons of this case have been granted anticipatory bail by a Bench of this Court and that in the counter-case, many associates of the petitioner have been left injured and the accused persons of that case have been admitted to anticipatory bail, and shall pass orders in accordance with law without being prejudiced by the fact that the present petition on his behalf has not been entertained.

(Ashutosh Kumar, J)

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