

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4523 of 2022

Arising Out of PS. Case No.-296 Year-2020 Thana- FALKA District- Katihar

Reshav Kumar Mandal @ Rishav Raj S/O Chandrakant Mandal R/o-
Simariya Ruchdev, P.S.- Falka, Distt.- Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kr. Singh, Advocate.
	:	Mr. Sanjay Kr., Advocate.
	:	Mr. Gopal Krishna, Advocate.
	:	Mr. Sanjeet Kr. Singh, Advocate.
For the Opposite Party/s	:	Mr. Murli Dhar, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 21-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Falka (Pothia) P.S. Case No. 296 of 2020 lodged under Sections
147, 148, 149, 323, 302, 504, 506 of the Indian Penal Code read
with 27 Arms Act.

The case of prosecution is that the informant received
information that accused Chandrakant Mandal along with 10
other persons were ploughing the land and upon opposed by the
informant side, they all started abusing and assaulting to the
informant side. Accused Chandrakant Mandal alleged to make
fire and ordered to kill them. Petitioner Reshav Kumar was
ploughing the land by tractor, the wife of informant Kiran Devi
requested to stop the ploughing, upon which the petitioner did



not stop and continuing the ploughing, in result the leg, hand, thigh, head and chest were badly injured of the informant's wife and during treatment she died.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that the informant and accused both parties are agnates to each other. He further submits that there is land dispute going on between them. He also submits that there is no criminal antecedent of the petitioner. The death of deceased took place due to accident. He further submits that other co-accused persons have been granted bail by the Co-ordinate Bench of this Court, therefore, petitioner may be released on bail. He also submits that the accused is in custody since 08.09.2021 and charge sheet has already been filed in this case.

Learned A.P.P. submits on behalf of the State that in the F.I.R. the specific allegation is against this petitioner to attack on the informant's wife, who requested to stop the ploughing, in result she was brutally assaulted and suffered from multiple injuries and this is the cause of death of the deceased. He further submits that the case diary has been called for and the material comes from the case diary is fully supporting the allegation made in the F.I.R. Learned Counsel categorically



submitted that in the post-mortem report it has come that Kiran Devi was aged about 30 years and there are in total 7 external and internal injuries on the person of the deceased in the different part of her body. The doctor has also opined that the cause of death is due to haemorrhage shock, on account of above mentioned injuries on the body caused by hard blunt and heavy moving object was the tractor as alleged in the F.I.R. Therefore, he may not be granted bail.

In the present facts and circumstances and the submissions made above, I am agree to the doctor's opinion that cause of death is due to hard blunt heavy moving object i.e. tractor, so far as granting of bail to two other accused is concerned, the case of the present petitioner is different from that of other accused person in the above said circumstances. The prayer for bail of the petitioner is hereby rejected.

The Lower Court below is directed to expedite the trial within a year.

With this observation, the application is rejected.

(Dr. Anshuman, J.)

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