

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12770 of 2022

Arising Out of PS. Case No.-540 Year-2021 Thana- BANKA District- Banka

Kishor Mandal Son of Karti Mandal @ Kartik Mandal R/o Village- Jamua,
P.S.- Banka, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Banka P.S. Case No. 540 of 2021 registered for the alleged offences under Sections 341, 323, 504 and 506/34 of the Indian penal Code.

Allegedly the petitioner threatened the informant with a country made pistol and other co-accused persons assaulted him with *lathi* and *farsa* resulting in his death.

The learned counsel for the petitioner submits that except for the allegation of threatening the informant with pistol



no further allegation of any overt act is against the petitioner. The informant has not given any motive for the alleged occurrence and it could be inferred that there has been intentional suppression of the fact by the informant. In fact the informant was aged about 75 years and due to land disputes, some scuffle took place and during treatment, he died. During post-mortem, injuries have been found only on left arm, forearm and left leg and such injuries cannot be said to be the cause of death. If the petitioner intended to kill the informant, he would simply have used his pistol so the prosecution case is not probable. Petitioner is accused in another case but he is on bail in that case. learned counsel further submits that charge sheet has been submitted. The petitioner is in custody since 30.10.2021.

Learned counsel appearing on behalf of the informant opposes the prayer for bail and submitting that evidence is being recorded in the case and the petitioner should face trial behind the bar. Learned APP for the State also opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that except for threat extended by this petitioner no other overt act has been attributed to him and from the post-mortem report, cause of death has been stated to be haemorrhage and shock without any further elaboration and



further considering the fact that the petitioner is custody since 30.10.2021, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka Case No. 540 of 2021, subject to the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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