

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40420 of 2021**

Arising Out of PS. Case No.-108 Year-2017 Thana- LADANIA District- Madhubani

SHAMBHU KUMAR MANDAL @ SHAMBHU MANDAL S/O RAMJEE
MANDAL @ RAMDEO MANDAL R/O VILLAGE-LAXMINIYA MALIYA
TOLE, P.S.-LADANIYA, DISTRICT-MADHUBANI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Soban Asghar, Advocate
For the Opposite Party/s : Ms. Anita Kumari Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

3 12-04-2022 Heard Mr. Soban Asghar, learned counsel for the

petitioner and Ms. Anita Kumari Singh, learned Additional

Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Sessions Trial No. 425 of 2018 arising out of Ladaniya P.S.
Case No. 108 of 2017 registered for the offences punishable
under Sections 448, 341, 323, 324 and 307/34 of the Indian
Penal Code 1860. Subsequently, Section 302 of the Indian
Penal Code was added.

The allegation, as per the First Information
Report, is that the petitioner along with other accused
persons dragged the husband of the informant and assaulted



him with knife near the chest.

Learned counsel for the petitioner submits that from perusal of the First Information Report it would be evident that the date of occurrence is 15.6.2017 and the allegation against the petitioner and others is general and omnibus in nature. He further submits that after three months of the date of occurrence, i.e. on 7.9.2017, a *Fard-e-beyan* of the daughter of the deceased has been recorded by the Police in Darbhanga Medical College and Hospital after his death in which she has stated that the deceased was being treated in DMCH, and, thereafter, he was discharged from DMCH and when the informant was going with the deceased on 7.9.2017 in the morning for getting the stitched removed and due to pus having been developed in the wound, the father of the informant died on the way to the Hospital. He also submits that the intention of the petitioner is not to kill the deceased which would be evident from the subsequent statement of the daughter of the deceased that after treatment, the deceased was discharged and died after three months from the date of present occurrence. He next submits that the petitioner is in custody since 4.9.2017 and



the trial is not likely to be concluded in near future.

On the other hand, learned counsel for the State referring to the case diary submits that during course of investigation the statement of the deceased as well as informant was recorded in which they have disclosed the name of the petitioner as main assailant. Learned counsel further submits that the postmortem also reveals the death of deceased due to septicemia.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that the deceased returned back to his home after treatment in the hospital and died after three months from the date of occurrence and the petitioner is in custody since 4.9.2017 i.e. more than four years, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge V, Madhubani, in connection with Sessions Trial No. 425 of 2018 arising out of Ladaniya P.S. Case



No. 108 of 2017 subject to the condition that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

(Anil Kumar Sinha, J)

S.Ali/-

U		T	
---	--	---	--

