

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61228 of 2021

Arising Out of PS. Case No.-447 Year-2019 Thana- SHERGHATI District- Gaya

SHIVA MANDAL S/o Late Sohrai Mandal R/o village- Ghodjara, P.O.-
Sagahi, Cherki, P.S.- Sherghati, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ayush Kumar, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 307, 323 and 324/34 of
the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 07.10.2019, is a person with clean
antecedent and charge-sheet has been submitted.

The informant alleges that his elder brother
(deceased) was intercepted by Shiva Mandal, Birendra Mandal
(petitioner), Chotu Mandal and Golden Mandal while he was
going to his uncle's place and the accused asked him to settle
the dispute relating to ancestral property on which the victim



replied that the same will be sorted out after discussing with the family on which Shiva Mandal dashed the elder brother of the informant on the ground and sat on his chest and assaulted him. Thereafter, all the accused persons started assaulting the elder brother of the informant leading to his death and when the informant came to save his brother he was also assaulted.

Learned counsel for the petitioner submits that the petitioner and the informant are agnate and they were having land dispute of the ancestral property on account of which the petitioner has been falsely implicated alleging that he was the person who assaulted the deceased leading to his death but the learned counsel fairly submits that as far as allegation in the FIR is concerned, it is alleged that it was this petitioner who dashed the deceased on the ground and sat on his chest and assaulted him. It is further submitted that the occurrence has taken place on account of land dispute and the petitioner has remained in custody since 07.10.2019 and is a person with clean antecedent, the petitioner be released on bail.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that even the postmortem report records that the death was due to hemorrhage and shock on account of injury on the vital organ on the chest.



Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to grant bail to the petitioner for the present in connection with Sherghati P.S. Case No. 447 of 2019 pending in the Court of learned Additional Chief Judicial Magistrate, Sherghati, Gaya.

(Satyavrat Verma, J)

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