

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61205 of 2021

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

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BIRENDRA MANDAL @ VIRENDRA MANDAL S/o Shiva Mandal R/o
village- Ghodjara, P.O.- Sagahi, Cherki, P.S.- Sherghati, District- Gaya
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-03-2022 Learned counsel for the petitioner is permitted to
make necessary correction at para 11 of the bail application in
course of the day.

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 from perusal of the allegation as alleged in the FIR, it would manifest that as far as allegation of assault is concerned, the same is general and omnibus in nature but as far as Shiva Mandal is concerned, it is alleged that he dashed the deceased on the ground and sat on his chest and assaulted him. Learned counsel for the petitioner further 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.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent, charge-sheet has been submitted



and as far as allegation of assault is concerned, the same is general and omnibus in nature, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sherghati P.S. Case No. 447 of 2019.

(Satyavrat Verma, J)

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