

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67792 of 2021

Arising Out of PS. Case No.-117 Year-2021 Thana- RAGHOPUR District- Supaul

Chandan Kumar Mandal, Son of Kaleshwar Mandal, Resident of Village -
Narha, Ward No.05, P.S.- Raghobpur, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-09-2022 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 Raghobpur P.S. Case No. 117 of 2021 registered for the alleged offences under Section 302 of the Indian Penal Code.

As per prosecution case, the petitioner demanded Rs. 500/- from the deceased- brother of the informant for consumption of liquor. The scuffle took place and petitioner gave *farsa* blow on the head of the brother of the informant and the blood started oozing out. The injured was taken to the local



hospital from where he was referred to Sadar Hospital and from there the injured was taken to Viratnagar in Nepal for better treatment, where he died during his treatment.

The learned counsel for the petitioner submits that no occurrence as alleged has ever taken place. The FIR has been registered after a delay of almost a month for which there is no explanation. For an occurrence dated 19.04.2021, the FIR has been registered only on 14.05.2021. The post-mortem report has not supported the allegation made in the FIR that the petitioner gave *farsa* blow twice on the head of the deceased. In fact, the deceased suffered injury during a quarrel between the petitioner and his cousin who were throwing stone chips on each other and one such stone hit the head of the deceased and he sustained injury and succumbed to it after a long time due to lack of treatment. Thereafter, the present case has been lodged by the informant. The prosecution story is not believable. Petitioner is in custody since 15.05.2021.

Learned APP opposes the prayer for bail submitting that the informant has explained the fact that being busy with the treatment of his brother, the FIR has not been registered earlier. Learned APP further submits that there is specific allegation against this petitioner in statement of witnesses in



paragraphs 6, 7 and 8 of the case diary that he gave *farsa* blow on the head of the deceased and the post-mortem report also supports the fact that death resulted due to this injury.

Perused the records.

Having regard to the submissions made hereinabove and considering the specific allegation against the petitioner for causing injury on the head of the informant and his subsequent death, I am not inclined to grant bail to the petitioner. Hence, the prayer for bail is rejected.

However, the trial court is directed to expedite the trial and conclude the same preferably within a period of nine months.

If the trial is not concluded within a period of nine months, then the petitioner may renew his prayer for bail.

(Arun Kumar Jha, J)

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