

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68214 of 2021**

Arising Out of PS. Case No.-77 Year-2021 Thana- SHAHKUND District- Bhagalpur

LUTAN MANDAL Son of Late Dobhi Mandal Resident of Village- Khulani,
P.S.- Shahkund, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Adv.
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 16-05-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code.

As per the prosecution case, it is stated that three named accused persons including the petitioner herein were forcibly taking away the grass. On being opposed by the daughter of the informant it is stated that the accused persons started to abuse and assault her. She sustained injuries in her ribs and died in course of treatment.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. No such occurrence as alleged in the FIR has taken place. The manner of occurrence is other than what has been narrated



therein. On investigation chargesheet was submitted under sections 304 and 34 of the Indian Penal Code. The petitioner has remained in custody since 8.3.2021 and has no criminal antecedent. It is lastly submitted by learned counsel for the petitioner that under section 304 of the Indian Penal Code although the sentence may extend for a term up to 10 years, however there is no minimum sentence mentioned therein.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the material on record, the submissions made on behalf of the petitioner together with the petitioner having remained in custody for more than one year, the Court directs the petitioner to be enlarged on bail in connection with Shahkund P.S. Case no. 77 of 2021 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Sessions Judge, Bhagalpur or successor Court.

(Partha Sarthy, J)

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