

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68887 of 2021

Arising Out of PS. Case No.-51 Year-2021 Thana- SARSI District- Purnia

BARUN MANDAL Son of Guneshwar Mancal @ Ghuso Mandal Resident of
Maliniya Diayara, P.S.- Sarsi, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 65082 of 2021

Arising Out of PS. Case No.-51 Year-2021 Thana- SARSI District- Purnia

SUBODH MANDAL Son of Kameshwar Mandal Resident of Village and
Post- Maliniyan, Balua Kachhari, P.S.- Sarsi, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 68887 of 2021)

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Opposite Party/s : Mr.Narendra Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 65082 of 2021)

For the Petitioner/s : Mr.Ambuj Nayan Chaubey

For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 23-08-2022

IN CR. MISC. NO. 68887 OF 2021

Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State
as well as learned counsel for the informant.

Let the defect(s), if any, be removed within a period
of four weeks from today.



The petitioner seeks bail in connection with Sarsi P.S. Case No. 51 of 2021 registered for the offence under Sections 302/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 11.08.2021.

The allegation against the petitioner is to commit murder of mother of the informant along with other co-accused persons for neighborhood disputes and differences.

Learned counsel appearing on behalf of the petitioner submitted that allegation as regard to fatal assault is very much general and omnibus against this petitioner. It is also submitted that FIR was lodged after 02 days without any explanation as regard to delay and admittedly the deceased was never admitted in hospital in connection with her treatment. It is also submitted that the deceased was busy in her field work after the occurrence and sudden death may be due to other reason or medical negligence. It is also pointed out that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the



informant, while opposing the prayer of bail, submitted that the postmortem report is speaking loudly that death was due to injuries over brain, as alleged through FIR but fairly conceded the fact that the allegation as regard to fatal assault is not specific.

Considering the facts and circumstances as mentioned above, as allegation as regard to fatal assault is not specific against this petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Sarsi P.S. Case No. 51 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 learned Judicial Magistrate 1st Class, Purnia/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

IN CR. MISC. NO 65082 OF 2021

It appears that the matter is for anticipatory bail, list this case before appropriate Bench, in want of roster.

(Chandra Shekhar Jha, J)

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