

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.805 of 2022

Arising Out of PS. Case No.-66 Year-2021 Thana- BAHERI District- Darbhanga

Raushan Kumar, Son of Mahesh Mandal, Resident of Village - Danikhon,
Police Station - Baheri, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jagdish Prasad Singh, Advocate
For the State	:	Mr.Binod Kumar, APP
For the Informant	:	Mr. Kedar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 16-08-2022 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 Baheri P.S. Case No. 66 of 2021, registered for the alleged offences under Sections 147, 148, 149, 341, 323, 307 of the Indian Penal Code and later on, Section 302 IPC was also added.

As per the prosecution case, in the background of land dispute over partition of land, the petitioner and other co-accused persons assaulted the father of the informant. This



petitioner gave an axe blow on the head of the father of the informant who sustained grievous injury and was referred to higher center for treatment where he later on succumbed to his injury.

The learned counsel appearing on behalf of the petitioner submits that land dispute is admitted in the FIR itself. The petitioner is the nephew of the deceased and for the same occurrence, father of the petitioner has lodged Baheri P.S. Case No. 72 of 2021 in which this petitioner has also received injury. The informant's side was constructing a house on the land of the co-accused Mahesh Mandal which was protested by the petitioner's side and the informant's side assaulted the co-accused Mahesh Mandal and his other family members including this petitioner. Persons from both sides sustained injuries. Though occurrence took place on 09.03.2021, the fardbeyan was recorded on 10.03.2021 only and the FIR has been registered after a delay of ten days on 20.03.2021. Learned counsel further submits that though there is allegation of causing injury by axe against this petitioner, the post mortem report shows cause of death to be cranio cerebral damage consequent upon head injury caused by hard and blunt object. So it shows that the allegation against the petitioner for causing



the head injury by his axe resulting in death is not true. Learned counsel further submits that the charge sheet has been submitted in this case and the petitioner is in custody since 14.08.2021.

Learned counsel appearing on behalf of the informant opposes the prayer for bail submitting that there is specific allegation against this petitioner that he caused injury on the head of the father of the informant and the injury might have been caused by blunt part of axe.

Learned APP opposes the prayer for bail submitting that there is specific allegation against this petitioner. However, he concedes that in paragraphs 5, 46, 47 and 48 of the case diary, the witnesses have stated about the assault by the petitioner and other co-accused persons and there is allegation against the co-accused Mahesh Mandal that he hit on the head of the deceased with an iron rod.

Perused the record.

Having regard to the facts and circumstances of the case and the submissions made hereinabove and considering the contradiction in the statement and the post mortem report regarding injury being caused by the petitioner and further considering the submission of charge sheet and the period of the custody of the petitioner, he is directed to be released on bail on



furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Darbhanga, in connection with Beheri P.S. Case No. 66 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be the close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

However, learned trial court is directed to expedite the trial and conclude the same within a year.

(Arun Kumar Jha, J)

V.K.Pandey/-

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