

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18710 of 2023

Arising Out of PS. Case No.-122 Year-2022 Thana- PURAINI District- Madhepura

1. Guddi Devi Wife Of Dukha Mandal Resident Of Village - Bansgopal, Ward No. 1, P.S. - Puraini, Distt. - Madhepura
2. Nageshwar Mandal Son Of Late Bateshwar Mandal Resident Of Village - Bansgopal, Ward No. 1, P.S. - Puraini, Distt. - Madhepura
3. Mantan Mandal Son Of Nageshwar Mandal Resident Of Village - Bansgopal, Ward No. 1, P.S. - Puraini, Distt. - Madhepura
4. Santosh Mandal Son Of Nageshwar Mandal Resident Of Village - Bansgopal, Ward No. 1, P.S. - Puraini, Distt. - Madhepura
5. Piku @ Pinku Mandal @ Pratap Mandal Son Of Nageshwar Mandal Resident Of Village - Bansgopal, Ward No. 1, P.S. - Puraini, Distt. - Madhepura
6. Dukha Mandal Son Of Late Janardan Mandal Resident Of Village - Bansgopal, Ward No. 1, P.S. - Puraini, Distt. - Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dr. Sanjay Kumar Singh
For the Opposite Party/s : Mr. Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-07-2023 By order dated 12.06.2023, this application with regard to petitioner no.3 was dismissed as withdrawn.

2. Now, this application is being heard only with regard to petitioner nos.1, 2, 4, 5 & 6.

3. Heard learned counsel for the rest of the petitioners and learned APP for the State.

4. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323 and 302/34 of the Indian Penal Code pending in the learned



court below.

5. As per the prosecution case, all the petitioners are said to have assaulted the husband of the informant due to which during the treatment he died.

6. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that there is general and omnibus allegation against the petitioners. He submits that there is no specific overt act against the petitioners. He further submits that from perusal of the post-mortem report it is clear that no any scars mark and no any abrasion and laceration found on the body of the deceased and cause of death is Hemorrhage shock due to mentioned after Head Injury due to HTN and M.I. which shows that the allegations alleged against the petitioners does not corroborate with the medical evidence. He submits that the date of occurrence is 28.05.2022 but the F.I.R. was lodged on 11.06.2022 there is a delay of 13 days and there is no any satisfactory explanation of it which creates serious doubt about prosecution case. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

7. Learned APP for the State opposes the prayer for



bail.

8. Considering the aforesaid facts and circumstances and the fact that the post-mortem report does not support prosecution case, let the petitioners, named above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Puraini P.S. Case No.122/2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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