

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33125 of 2023

Arising Out of PS. Case No.-787 Year-2022 Thana- DARBHANGA SADAR District-
Darbhanga

Chandramani Kumar Mandal, S/o Chandra Shekhar Mandal @ Mahesh
Mandal R/o Village- Khutwara, P.S- Sadar, Distt.- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-06-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The accused/petitioner seeks bail in connection
with Sadar P.S. Case No.787 of 2022 registered for the offence
punishable under Section 302 of the Indian Penal Code.

The accused/petitioner named in the FIR and is in
custody since 27.11.2022.

Allegation against the petitioner is to commit
murder of husband of informant causing assault on head by
means of bamboo stick out of an altercation.

It is submitted by learned counsel appearing on
behalf of the petitioner that the present occurrence arises out of
neighbourhood dispute and differences where a scuffle was
taken place between the son of deceased and petitioner but as



deceased being father intervened in scuffling, he was received injury on his head, which was not intentional in nature. It is submitted that petitioner is neighbour and a mentally ill person as he is receiving treatment from Kanke Mental Hospital, Ranchi since 2018 and in support of this submission, learned counsel relied upon the medical documents as annexed as Annexure-2 of the present bail petition. It is submitted that the occurrence took place in spur of moment without having any intention and, as such, this case is not fall under Section 302 of the Indian Penal Code. It is submitted that the case of petitioner may also be viewed as per provisions laid down under Sections 329 and 330 of the Code of Criminal Procedure (for short 'CrPC'), which laid down provision to enlarge a mentally sick person on bail during trial and investigation. It is also submitted that alleged assault is single and not repeated without having any intervening circumstances. While concluding argument, it is submitted that petitioner is a man of clean antecedent and moreover investigation of this case is completed for which charge-sheet has been submitted long back where even charges have not been framed and trial is a remote aspect. It is submitted that as investigation has already concluded, there is no chances of tampering with the evidence.



Learned APP while opposing the prayer for bail submitted that there is a specific allegation as regard to cause fatal head injury against this petitioner.

In view of above-mentioned facts and circumstances and by taking note of mental health condition of petitioner as per the documents, which is a part of Annexure-2 of present bail petition, coupled with the fact that charge-sheet has been submitted, where petitioner is in custody since 27.11.2022, accordingly the petitioner above-named is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in connection with Sadar P.S. Case No.787 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

Sanjeet/-

U		T	
---	--	---	--

