

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47007 of 2023

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

Matan Mandal @ Mantan Mandal, S/o Nageshwar Mandal, R/o Village-
Bangopal, Ward No. 1, P.S- Puraini, Distt.- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Dr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-08-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Puraini P.S. Case No.122 of 2022 registered for the
offences punishable under Sections 341, 323 and 302 read with
34 of the Indian Penal Code.

3. The accused/petitioner is named in the FIR and is
in custody since 24.04.2023.

4. Allegation against the petitioner is to commit
murder of husband of informant along with other co-accused
persons/family members by way of collective assault using
lathi, rod, etc., where occurrence arises out of neighbourhood
dispute due to throwing some objectionable material.

5. It is submitted by learned counsel that allegation



against this petitioner is to assault the husband of informant along six named co-accused persons by means of *lathi*, rod, etc. but, upon postmortem, not even a single external injury was noticed and by taking note of said fact, similarly situated co-accused persons have been granted anticipatory bail through Cr. Misc. No. 18710 of 2023 dated 20.07.2023 where name of petitioner was also arrayed in the column of petitioners, but his prayer for grant of anticipatory bail becomes infructuous as during the pendency of application, he was arrested by the police. While concluding argument, it is submitted that the petitioner is a man of clean antecedent and moreover investigation of this case has been completed for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances, as no external injury was noticed in the background of allegation explaining cause of death is collective assault by six named co-accused persons, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 24.04.2023, 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 Judicial Magistrate-1st Class, Uda Kishunganj, Madhepura in connection with Puraini P.S. Case No.122 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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