

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45518 of 2023

Arising Out of PS. Case No.-260 Year-2020 Thana- MURLIGANJ District- Madhepura

SUBHASH MANDAL S/O ANANDI MANDAL R/O Village- Pratap Nagar,
P.S- Murliganj, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 08-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 341, 323, 324, 325, 307, 379, 302/34 of the Indian Penal Code.

3. As per prosecution case, the informant alleged that the petitioner along with other co-accused persons started assaulting the informant's husband due to which he sustained injuries and died during course of treatment. The petitioner is alleged to have assaulted upon the head of the informant's husband by means of *dabiya*. Accordingly, the present case has been lodged.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. From perusal of FIR, it



appears that the petitioner along with other co-accused persons are alleged to have assaulted the deceased by means of several weapon whereas, the postmortem report does not in-consonance with the prosecution which shows, only one injury sustained by the deceased. It is also submitted that after completion of the investigation, the petitioner was not sent up for trial but after finding *prima-facie* case true, cognizance has been taken against the petitioner. The petitioner has got no criminal antecedent and is languishing in judicial custody since 25.1.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Murliganj P.S. Case No. 260 of 2020 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Madhepura.

(Sunil Kumar Panwar, J)

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