

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62237 of 2022

Arising Out of PS. Case No.-301 Year-2021 Thana- JHAJHA District- Jamui

MANTU MANDAL S/o Anandi Mandal R/o Village- Dhamna (Dhamna),
P.S.- Jhajha, Distt- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr.Pramod Kumar Pandey, APP
For the Informant	:	Mr.Rana Bikram Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 25-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Jhajha
P.S. Case No. 301 of 2021 registered for the offence under
Sections 302, 380, 120B and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 02.06.2022.

The allegation against the petitioner is to commit
murder of husband of the informant, along with other co-
accused persons, by making an assault with Katta and Iron rod
etc., causing severe bodily injuries to which the husband of the



informant succumb, where alleged occurrence is founded over land dispute.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has falsely been implicated in the present case. It is submitted that allegation as regard to assault is appearing very much general and omnibus against the petitioner. It is further submitted that nature of injuries as alleged to be caused by the petitioner, which may be caused by all probabilities with the weapons alleged to be taken in hand i.e. iron rod, is not appearing in corroboration with post-mortem report. It is also submitted that other co-accused person, who is specifically alleged to assault, as per FIR, has already been granted bail by the learned District & Session Judge (In-charge) through B.A. No. 134 of 2021 vide order dated 28.02.2021. While concluding the argument, it is submitted that petitioner found involved in two excise cases, where he is on bail and, moreover, investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant Mr. Rana Bikram Singh, while opposing the prayer of bail submitted that specific allegation is available against two



co-accused persons, as per FIR to cause death of husband of the informant i.e. Vicky Mandal and this petitioner. It is submitted that Vicky Mandal was granted bail by the learned Lower Court, considering the weapon which alleged to cause assault, found not appearing in corroboration with injury, which appears fatal as per post-mortem report. It is submitted that petitioner was equipped with iron rod, where death of the husband of the informant caused by fracture of neck bone C-3, C-4 and C-5 and also fracture of nasal septum and cartilage fracture of thyroid cartilage and bone neck, which without any exception can be caused by hard blunt substance like iron rod, which is alleged to be equipped by this petitioner. It is submitted that in view of taking note of weapons qua post-mortem report, the allegation is appearing very much specific against this petitioner to commit the brutal murder of the husband of the informant. It is further submitted that petitioner is a man of criminal antecedent and, moreover, wife of the deceased is the eye witness of the occurrence, before whom on intervening night, husband of the informant was brutally murdered by the petitioner.

In view of the facts and circumstances as mentioned above and by taking note of nature of weapon as alleged to be used by the petitioner while causing assault qua post-mortem



report which appears in full corroboration to cause said fatal injuries, this Court is not inclined to grant privilege of bail to the petitioner, for the present.

Accordingly, the prayer for bail of the petitioner is rejected herewith.

The learned Trial Court is directed to conclude the trial, preferably, within a period of 06 (six) months from the date of receipt of this order, by taking this matter on board, on day-to-day basis, if required. Failing which the petitioner may renew his prayer of bail, if so advised.

The Superintendent of Police, Jamui, is directed to produce the charge-sheeted witnesses, as and when directed by the learned Trial Court, so as to conclude the trial within aforesaid time period, as directed above.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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