

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13602 of 2024

Arising Out of PS. Case No.-144 Year-2022 Thana- BHAPTIAHI District- Supaul

Sadanand Mandal @ Sudhir Mandal S/O- Late Ghanshyam Mandal R/O-
Village- Karjain, P.S.- Karjain, Dist.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prafull Chandra Thakur, Advocate
For the Opposite Party/s	:	Mr. Madan Kumar, APP
For the Informant	:	Kumar Amit, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 19-04-2024 Heard Mr. Prafull Chandra Thakur, learned counsel appearing on behalf of the petitioner, Mr. Madan Kumar, learned APP for the State and the informant is represented by Kumar Amit, learned counsel.

2. The petitioner seeks regular bail, who is in custody in connection with Bhaptiyahi P.S. Case No. 144 of 2022 registered for the offences punishable under Sections 341, 323, 307, 302 and 34 of the Indian Penal Code.

3. The prosecution case based on the written report of the informant alleges that while the informant was sitting at his door, in the meantime all the FIR named accused persons armed with *lathi*, *farsa* and iron rod came there and started assaulting. It is specifically alleged that the petitioner along with others



assaulted his father and the informant, causing injuries to his back, head and hand resulting into the death of the father of the informant in course of treatment.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner and deceased was full brother and because of a land dispute resulting to demarcation of the land, some scuffle took place and in course of such scuffle, the deceased fell down and received some injuries leading to his death, during the course of treatment. It is further submitted that there is a counter version of the present case and, moreover, the prosecution case, *prima facie*, suggest that no specific allegation of assault has been levelled against the petitioner. He next submitted that apart from the fact that the petitioner is a man of fair antecedent, he himself surrender in the Court Below on 25.08.2023 and since then he is in custody. Moreover, the co-accused, namely, Reeta Devi has been allowed the privilege of anticipatory bail.

5. On the other hand, learned APP for the State as well as informant vehemently oppose the bail application and taking this Court to the case-diary submitted that during the course of investigation, the statement of the independent witnesses were recorded in paragraph nos. 60, 65 and 66 wherein they have



categorically stated that it is the petitioner who has assaulted his deceased-brother from the backside of *farsa* causing head injury which proved fatal during the course of treatment. It is next submitted that now the charges have already been framed and the trial has commenced and there is every likelihood that if the petitioner would be released on bail, chances of gaining over the witnesses or tampering of the evidence cannot be ruled out.

6. Regard being had to the submissions made on behalf of the parties and considering the specific nature of allegation of causing fatal blow, this Court is not persuaded to enlarge the petitioner on bail.

7. Accordingly, the prayer of petitioner for bail has been rejected for the present.

8. It is expected that the learned Trial Court shall take all the endeavors to conclude the trial expeditiously.

(Harish Kumar, J)

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