

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9718 of 2024

Arising Out of PS. Case No.-186 Year-2023 Thana- PIPRA District- Supaul

Badri Mandal S/O- Late Prayag Mandal R/O- Village- Thumha, Ward No.- 6,
P.S.- Pipra, Dist.- Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjay Kumar Singh, Advocate Mr. Shankar Kumar, Advocate
For the State	:	Mr. Binod Kumar, APP
For the Informant	:	Mr. Akshay Lal Pandit, Advocate Mr. Arvind Kumar, Advocate Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 22-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the informant.

2. The petitioner seeks bail in connection with Pipra
P.S. Case No. 186 of 2023 dated 27.05.2023 instituted for the
offence punishable under Sections 341, 342, 323, 147, 149, 307,
302 of the Indian Penal Code.

3. The prosecution case, in short, is that on
21.05.2023, petitioner along with other named accused persons,
armed with various weapons came to the door of the informant
and started abusing her husband and threw him on the ground. It
is further alleged that the petitioner ordered to kill him, upon
which he along with other co- accused persons namely, Ramfal



Madal, Balram Mandal assaulted the husband of informant. It is further alleged that petitioner assaulted her husband on his head by means of *khanti*. It is also alleged that the petitioner and other accused persons also assaulted the informant, her father-in-law, brother-in-law (*Devar*) and her daughter. During treatment, her husband died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner submits that the petitioner has been named in the F.I.R. Date of occurrence is 12.05.2023 but the F.I.R. has been lodged on 27.05.2023 after six days delay without plausible explanation. Learned counsel for the petitioner submits that the post-mortem does not support the prosecution case. Both the parties are neighbours and due to pity matters, scuffle took place between them. Learned counsel for the petitioner submits that the petitioner was not present at the place of occurrence. Learned counsel for the petitioner submits that allegation against the petitioner, as per the F.I.R., is that he gave order to kill the husband of the informant on which other accused persons assaulted on the head of the informant by means of iron rod. As per the F.I.R., it is also alleged that the petitioner also assaulted on the head of the husband of the



informant by means of *khanti*. Lastly, it has been submitted that the petitioner is in custody since 17.09.2023, having no criminal antecedents and charge-sheet has been submitted in this case.

5. Learned A.P.P. for the State as well as learned counsel for the informant has opposed the prayer for bail of the petitioner.

6. From perusal of the post-mortem report of the deceased, it is evident that the injuries sustained by the deceased were ante-mortem in nature. Death of the deceased resulted from intracranial hemorrhage due to head injuries caused by hard and blunt force object.

7. Since the petitioner is the order giver and he also assaulted on the head of the deceased and post-mortem report also supports the version of the *fardbyan*, I am not inclined to grant bail to the petitioner for the present.

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

9. The Trial Court is directed to expedite the trial and take all endeavor to conclude the trial at the earliest, preferably, within a period of one (01) year from the date of receipt/production of a copy of this order. If the trial is not concluded within one year, the petitioner will be at liberty to



renew his bail application after one year.

10. The application stands dismissed.

(Khatim Reza, J)

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