

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78395 of 2024

Arising Out of PS. Case No.-174 Year-2024 Thana- BARARI District- Katihar

Dayanand Mandal S/O Manu Mandal @ Mahendra Mandal R/O Kadar Tola,
Marghia, P. S. Barari, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Najeeb Ahmad, Advocate
For the Opposite Party/s	:	Mr.Chandra Sen Prasad Singh, APP
For the Informant	:	Mr.Bimal Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 04-12-2024 1. Heard learned Counsel for the petitioner and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Barari PS case no. 174 of 2024, disclosing offences punishable under Sections 341, 323, 302/34 of the Indian Penal Code.
3. The prosecution story, as per the First Information Report, is that on 11.06.2024 in the night, the petitioner along with other accused persons came at the door of the informant and dragged away one Rupesh Kumar to the petitioner's house, started beating him and asking about the whereabouts of petitioner's daughter. When Rupesh Kumar expressed his ignorance, they again started beating him with fists and slaps. When the grandmother of Rupesh Kumar namely Champa Devi



(deceased) came to rescue, the petitioner and others started assaulting her with fists and slaps and also kicked her chest, due to which, she became unconscious and subsequently, died.

4. Learned Counsel for the petitioner submits that petitioner has falsely been implicated in this case and he has not committed any offence in the manner alleged. Learned counsel further submits that for the kidnapping and missing of petitioner's daughter, an F.I.R. bearing Barari PS Case No. 193 of 2024 has been lodged under Section 376 I.P.C. and Section 4 of POCSO Act against Sunni Kumar Mandal and not against Rupesh Kumar. Petitioner, in search of his daughter, asked Rupesh Kumar, which annoyed the prosecution side and during minor scuffle, Champa Devi, who is 70 years old and infirm lady, fell down, as a result, she sustained injury. Learned counsel further submits that petitioner was an identifier in a registered sale deed dated 09.08.2023, in which the vendor is son-in-law and vendee is daughter-in-law of the deceased, which also caused animosity between the petitioner and family of the informant.

5. On the other hand, learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submits that there is specific allegation against the



petitioner that he dragged Rupesh Kumar from his door and brought him near his home, started assaulting and when the grandmother of Rupesh Kumar tried to rescue her, she was assaulted by petitioner and other accused persons, due to which, she sustained injury and died. Referring to the post-mortem report, learned counsel submits that multiple injuries have been found on the person of the deceased including injury on both sides of chest, fracture of left upper 1st, 2nd and 3rd ribs and cause of death has been opined by the doctor due to haemorrhagic & Neurogenic shock as a result of the injury caused by hard and blunt object.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of injury, as is evident from postmortem report and the fact that there is active participation of the petitioner in the alleged occurrence, I am not inclined to grant the privilege of anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Anil Kumar Sinha, J)

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