

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81007 of 2024

Arising Out of PS. Case No.-141 Year-2024 Thana- LAXMIPUR District- Jamui

Ambika Mandal Son of Bisheshar Mandal village- Teljhari, Ps- Laxminpur,
Dist- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-11-2024 Heard Mr. S.K. Lal learned counsel for the petitioner,

Mr. Ajay Kumar Tiwari, learned counsel for the informant and

Mr. Md. Sufyan learned APP for the State.

2. The petitioner is in custody in connection with
Laxmipur P.S. Case No. 141 of 2024 for the offence under
Sections 341, 323, 324, 325, 307, 506 of the Indian Penal Code
lodged on 10.04.2024 by the informant, Dinesh Mandal.

3. As per the prosecution story, the informant alleged
that while his brother was going on motorcycle to purchase
poultry farm items, on the way, this petitioner gave *khanti* blow
on the head as also on his legs. He was taken to the local
hospital that to the P.M.C.H. which led to the F.I.R.
Subsequently, as per the record, informant's brother died. As per
the learned counsel for the petitioner, from a perusal of F.I.R.



shows that the informant is not an eye witness, he himself says that the deceased has moved towards Laxmipur Bazar and there is nothing on record that Laxmipur Bazar and home are near, so that he can see. No any other witness has come forward despite the killing took place in local market.

4. Learned APP for the State as also learned counsel for the informant, on the other hand, taken this Court to the allegation made in the F.I.R. to show that he is the sole assailant and the reason is also there which has later come in course of investigation that the petitioner’s wife had illicit relation with the deceased.

5. Having gone through the facts of the case as also the submissions put forwarded by the parties, there is direct allegation against the petitioner of using *khanti* which hit the head of the deceased and prove fatal. Considering the allegation that has come against the petitioner, this Court is not inclined to extend him any relief.

7. Accordingly, the bail application stands rejected.

(Rajiv Roy, J)

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