

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.444 of 2025

Arising Out of PS. Case No.-71 Year-2024 Thana- Mohanpur District- Purnia

Uttam Kumar Son of Late Pradip Mandal @ Boni Resident of Village
-Lalganj P.S. -Mohanpur, Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Advocate
For the Informant	:	Mr. Rajnish Kumar Singh, Advocate
For the State	:	Mrs. Meena Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 01-07-2025 Heard Mr. Bhola Prasad, the learned counsel

appearing on behalf of the petitioner, Mr. Rajnish Kumar Singh,

the learned counsel for the Informant and Mrs. Meena Singh,

the learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with

Mohanpur P.S. Case No. 71 of 2024, registered for the offences

punishable under Sections 191(2), 191(3) 190, 127(1) 115(2),

109, 324(2), 323, 303(2), 103, 351(2-4) of the Bharatiya Nyaya

Sanhita.

3. As per the prosecution case, while the informant

and his brother and father were sitting at their door, the

neighbors started abusing the informant and his family members

and when the informant protested, the co-accused persons

threatened the informant. It is further alleged that after thirty



minutes all of a sudden all the accused persons including the petitioner, forming an unlawful assembly with common object, armed with deadly weapons came there and started assaulting the informant and his family members. It is further alleged that during the said assault, the petitioner, namely, Uttam Kumar gave an iron rod blow over the head of the brother of informant, namely, Bisheshar Mandal with an intention to kill due to which brother of the informant sustained injury on his head. It is subsequently alleged that co-accused Bindeshwari Mandal assaulted the father of the informant with lathi who also sustained injury on his head and both of them fell down unconscious. It is further alleged that the co-accused Bablu Mandal gave lathi blow on the head of the informant and thereafter the accused person entered into the house of the informant, damaged the household article and robbed cash of Rs. 50,000/- and thereafter they fled away. It has next been stated that the brother and father of the informant were taken to Referral Hospital, Rupauli from where the doctor referred them to Sadar Hospital, Purnea, however, the informant admitted his brother and father to a private hospital but on 31.07.2024, the brother of the informant namely Bisheshar Mandal succumbed to the injuries.



4. The learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and no such incident as stated has occurred. The learned counsel further submits that the incident occurred on account of verbal abuse made on behalf of the informant and others upon which the petitioner and others retaliated and in the spur of the moment, the incident occurred. It has next been submitted that admittedly, there is no repeated blow and hence the allegation of intention to kill, is not sustainable and the charge-sheet has already been submitted in the present case. It has lastly been submitted that the petitioner has clean antecedent and is in custody since 21.08.2024

5. The learned counsel for the informant as well as the learned A.P.P. for the State has vehemently opposed the prayer for bail and they have stated that there is specific allegation upon the petitioner to have assaulted the brother of the informant, causing grievous head injury and he later on succumbed to the said head injury. The learned counsel for the informant points out towards the postmortem report wherein the external injuries found on the body of the deceased corroborates with the allegations leveled in the FIR and moreover the cause of death has been stated to be head injury



caused due to hard and blunt substance.

6. Considering the aforesaid submissions and taking into account that there is specific allegation upon the petitioner to have assaulted the brother of the informant on his head leading to his death, I am not inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is rejected.

(Sourendra Pandey, J)

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