

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.985 of 2026

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

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

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Pooja Prasad, Adv.
For the Informant	:	Mr. Rajnish Kumar Singh, Adv.
For the State	:	Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 18-03-2026 Heard the learned counsel for the parties.

2. This is second attempt on behalf of the petitioner for grant of bail. Earlier his application for bail was rejected by this Court *vide* order dated 01.07.2025 passed in Cr. Misc. No. 444 of 2025.

3. The petitioner, who is in custody, seeks bail in connection with Mohanpur P.S. Case No. 71 of 2024 registered for the offence(s) punishable under Section(s) 191(2), 191(3), 190, 127(1), 115(2), 109, 324(2), 323, 303(2), 103 and 351(2-4) of the Bharatiya Nyaya Sanhita, 2023 (B.N.S.).

4. As per the prosecution case, while the informant along with his brother and father was sitting at their door, the



neighbours started abusing the informant and his family members and when the informant protested, the co-accused persons threatened the informant. It has been alleged that after thirty minutes, all of a sudden, all the accused persons including the petitioner, forming an unlawful assembly with common object and armed with deadly weapons, came there and started assaulting the informant and his family members. It has further been alleged that during the said assault, the petitioner, namely, Uttam Kumar, gave an iron rod blow over the head of the brother of the informant, namely, Bisheshar Mandal, with an intention to kill him on account of which the brother of the informant sustained injury on his head. It has also been alleged that the co-accused/Bindeshwari Mandal assaulted the informant's father by means of *lathi*, who also sustained injury on his head. Both the injured persons fell down unconscious. It has been alleged that the co-accused/Bablu Mandal gave *lathi* blow on the head of the informant and, thereafter, the accused persons entered into the house of the informant, damaged the household articles and robbed cash of Rs. 50,000/- and, thereafter, they all fled away. It has next been alleged that the brother and the father of the informant were taken to the 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.

5. It has been submitted on behalf of the petitioner that he has falsely been implicated in this case and no such incident as alleged has occurred and the allegation of assault is on more than one person. It has further been submitted 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, therefore, the intention to kill is not present and as per the report only two witnesses out of eight witnesses have been examined till date. It has lastly been submitted that the petitioner has no criminal antecedent and he is in custody since 21.08.2024.

6. The learned Addl. Public Prosecutor for the State as also the learned counsel for the informant, while vehemently opposing the prayer for bail, have submitted that there is specific allegation of assault upon the petitioner, causing grievous head injury to the brother of the informant, who later



succumbed to the said head injury. The learned counsel for the informant, pointing towards the *post-mortem* report, submits that the external injuries found on the body of the deceased corroborates with the allegations leveled in the F.I.R and, moreover, the cause of death has been stated to be head injury caused by hard and blunt substance.

7. Regard being had to the facts and circumstances of the case and taking note of the fact that there is specific allegation upon the petitioner to have assaulted the brother of the informant on his head, leading to his death, and finding no fresh grounds, this Court is not inclined to grant the petitioner the privilege of regular bail.

8. The prayer for bail is, accordingly, rejected.

9. The application stands dismissed.

10. It is, however, observed that the learned Trial Court shall take efforts to conclude the trial at the earliest, preferably within a year.

(Sourendra Pandey, J)

Praveen-II/-

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