

Court of Special Judge (Children Court), Gaya
Juvenile Trial No. 16/2020

29.01.2021 Bail petition dated 23.01.2021 filed on behalf of the petitioner /CICL Chhotu Mandal in Sherghati P.S. Case No. 447/2019 who is in custody since 7.10.2019 u/s 302, 307, 323, 324/34 of I.P.C. has been pressed by his learned counsel.

It has been submitted on behalf of the petitioner /CICL Chhotu Mandal that previously no any anticipatory bail petition or regular bail petition of the petitioner was filed either before this court or any higher court. The petitioner is innocent, he has committed no offence and he has falsely been implicated in this case. He holds no criminal antecedent.

Learned Special P. P. opposed the bail.

As per F.I.R., prosecution case in brief is that informant Ram Swaroop Mandal submitted a written report before the S.H.O., Sherghati P.S. that on 23.9.2019 at about 7:00 P.M., his brother Mahendra Mandal was going to the house of Jaglal Mandal. When he reached near the house of accused Shiva Mandal, then the petitioner /CICL Chhotu Mandal alongwith co-accused came and intercepted his brother Mahendra Mandal and told to solve the dispute of paternal land. On this, his brother told that after discussion with the family members, land dispute will be solved. On that matter, the petitioner /CICL Chhotu Mandal alongwith co-accused assaulted his brother Mahendra Mandal with leg and fists, then he and Baldeo Mandal went to rescue his brother, then they gave Pasuli blow on his head with intention to kill him as a result of which his head was broken and bleeding started and he fell down and also assaulted Baldeo Mandal. Due to assault, his brother Mahendra Mandal died on the spot. Villagers assembled and with the help of villagers, his brother Mahendra Mandal was taken to the doctor who told brought him dead. Thereafter, his deceased brother Mahendra Mandal was taken to village and informed to the P.S. Thereafter, his deceased brother was sent to Medical College for Post-Mortem by the P.S. Treatment of the informant was done in Sub-Divisional Hospital, Sherghati.

Having heard the learned counsel for the petitioner /CICL Chhotu Mandal as well as the learned Additional P.P. for the State and perusal of record, it transpires that the the petitioner /CICL Chhotu Mandal alongwith co-accused is named in F.I.R. Allegation against the the petitioner /CICL Chhotu Mandal is that due to land dispute, he along with other co-accused brutally assaulted the informant and his brothers and brother of the informant namely Mahendra Mandal died on the spot. Informant in his statement in Para 2 of the case diary

(Continued)

Court of Special Judge (Children Court), Gaya
Juvenile Trial No. 16/2020

Contd.

29.01.2021

and witnesses in Para 5, 6, 7, 16, 17 and 18 of the case diary have supported the prosecution case. Injury report of informant-cum-injured is available in Para 48 of the case diary. Post-Mortem report of deceased is available on the record and the doctor opined cause of death due to internal injury and shock due to injuries to the vital organs.

Thus, in view of the above discussed facts and circumstances of the case, serious nature of offence against the petitioner/CICL Chhotu Mandal, I am not inclined to enlarge the petitioner/CICL Chhotu Mandal on bail. Hence, his prayer for bail is hereby rejected.

(Dictated)

Sd/-

Special Judge (Children Court), Gaya