

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41742 of 2014

Arising Out of PS.Case No. -11 Year- 2014 Thana -DHOLBAJJA District- BHAGALPUR

1. Hulo Mandal Son of Sarobar Mandal, Resident of Village-kadwa,Jangli Tola, P.S - Dhol Bajja, District- Bhagalpur
2. Etbari Mandal Son of Late Puran Mandal.
3. Subodh Mandal Son of Etbari Mandal Both Resident of village - kadwa, Bind Toli Tindhariya, P.S - Dhol Bajja, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.44067 of 2014

Arising Out of PS.Case No. -11 Year- 2014 Thana -DHOLBAJJA District- BHAGALPUR

1. Umesh Mandal Son of Late Saryug Mandal Resident of Village - Jangli Tola, Kadwa, P.S. - Dholbajja (Kodwa), District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.44623 of 2014

Arising Out of PS.Case No. -11 Year- 2014 Thana -DHOLBAJJA District- BHAGALPUR

1. Nanhku Mandal @ Nanku Mandal son of Sarobar Mandal
2. Chuno Mandal son of Late Bhagwan Mandal
3. Sanjay Mandal son of Chuno Mandal All residents of village - Kadawa, Jangli Tola, P.S. Dholbajja, District - Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.44090 of 2014

Arising Out of PS.Case No. -11 Year- 2014 Thana -DHOLBAJJA District- BHAGALPUR

1. Daso Mandal Son of Late Puran Mandal
2. Nanku Mandal Son of Daso Mandal Both resident of village - Bindtoli

(Tinghariiya) Kadwa, P.S. - Dholbaja, District- Bhagalpur.

..... Petitioner/s
Versus
1. The State of Bihar

..... Opposite Party/s

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with
Criminal Miscellaneous No.48848 of 2014

Arising Out of PS.Case No. -11 Year- 2014 Thana -DHOLBAJJA District- BHAGALPUR

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1. Barun Mandal son of Chhote Lal Mandal Resident of village - Jangli
Kadwa, P.S. Dholbajja (Kadwa), District - Bhagalpur

..... Petitioner/s
Versus
1. The State of Bihar

..... Opposite Party/s

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Appearance :

(In Cr.Misc. No.41742 of 2014)

For the Petitioner/s : Mr. Praveen Kumar Agrawal

For the Opposite Party/s : Mr. H.A.Khan(App)

(In Cr.Misc. No.44067 of 2014)

For the Petitioner/s : Mr. Pravin Kumar Sinha

For the Opposite Party/s : Mr. Pronati Singh (App)

(In Cr.Misc. No.44623 of 2014)

For the Petitioner/s : Mr. Lovekush Kumar

For the Opposite Party/s : Mr. Ajay Kr. 2(App)

(In Cr.Misc. No.44090 of 2014)

For the Petitioner/s : Mr. Sadanand Paswan

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara(App)

(In Cr.Misc. No.48848 of 2014)

For the Petitioner/s : Mr. Lovekush Kumar

For the Opposite Party/s : Mr. Jitendra Kr. Singh No.1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 27-01-2015 Heard learned counsels for the petitioners and the State.

The petitioners are languishing in custody since
12.7.2014, 5.8.2014, 16.8.2014 and 29.8.2014 in a case registered
for the offences punishable under Sections

147,148,149,323,324,307,302 and 504 of the Indian Penal Code and section 27 of the Arms Act.

It is alleged that 12 FIR named accused persons and five unknown came variously armed. They killed the brother of the informant Upendra Mandal by causing injury on his chest. Thereafter, the informant and his son Triveni Kumar ran towards the village, in the meantime the informant's father Bindeshwari Mandal was shot dead though he was also assaulted with lathi. Sunita Devi, wife of the informant and nephew Labbo Kumar were also assaulted and they received injuries.

It is submitted by the learned senior counsel for the petitioners that the accusation against the petitioners is omnibus and general. Paragraph 78 of the case diary contains the statement of Sunita Devi, the wife of the informant who has alleged that Siko Mandal (non-petitioner) killed both the victims by causing fire arm injury, Barun assaulted Labbo Kumar and Sunita Devi. The postmortem reflects one fire arm injury to each victim. The statement of wife of Bindeshwar Mandal has been recorded in paragraph 92 of the case diary whereas the statement of the wife of deceased Upendra Mandal has been recorded in paragraph 77 of the case diary but they all have stated that Siko Mandal killed both the victims. The son of the informant

Triveni Kumar in his statement in paragraph 93 of the case diary stated that he and the informant could not see the actual occurrence as they ran away from the scene after the initial firing. Paragraph 90 of the case diary stipulates that petitioner Umesh Mandal was armed with lathi. Paragraph 109 of the case diary stipulates that petitioner Umesh Mandal is a disabled person.

Considering the fact that both the victims Bindeshwari Mandal and Upendra Mandal were assaulted by Siko Mandal as stated by the injured and wives of the victims which has not been controverted by the learned APP after going through the case diary, let the above named petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned JM Ist Class, Naugachiya in connection with Dholbajja (Kadwa) P.S. Case No. 11 of 2014.

(Dinesh Kumar Singh, J)

Anil/-

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