

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42593 of 2014

Arising Out of PS.Case No. -63 Year- 2012 Thana -MURLIGANJ District- MADHEPURA

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1. Domi Mandal Son of Feku Mandal, Resident of Village - Ratan Patti, P.S. Murliganj, Dist-Madhepura
 2. Shashi Das Son of Bindeshwari Das
 3. Baso Mandal, Son of Mahanthu Mandal null
 4. Ranjan Mandal Son of Suren Mandal
 5. Mahavir Mandal Son of Late Swarup Mandal @ Anup Mandal
 6. Chandan Mandal, Son of Upendra Mandal
 7. Bhagwan Saw Son of Late Jaikishun Saw
 8. Rajendra Mandal Son of Late Muni Mandal @ Buni Mandal
 9. Ram Narayan Mandal Son fo Rajendr Mandal
 10. Sheshav Mandal @ Keshav Mandal Son of Bhola Mandal
 11. Sanjay Das Son of Chandeshwari Das
 12. Om Prakash Das (Sarpanch) Son of Bindeshwari Das
 13. Upendra Mandal Son of Basudeo Mandal
 14. Ramdeo Mandal Son of Late Shital Mandal null
 15. Rabendra Mandal Son of Late Kamleshwari Mandal @ Kushumlal Mandal All Resident of Village - Ratan Patti, P.S.-Murliganj, Dist.-Madhepura
 16. Dinesh Mandal Son of Jibachh Mandal (Borhter in law of Sivnandan Mandal) Resident of Village - Nagrahi, P.S. - Raniganj, Dist-Araria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal
For the State : Mr. J.N. Thakur(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 04-08-2015 The application with regard to petitioner no.8, Rajendra Mandal has already been withdrawn.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 302 and 323 of the Indian Penal Code.



The prosecution case is that petitioner no.12, Om Prakash Das being Sarpanch of Ratan Patti Panchayat started spreading rumor that Sivnandan Mandal was killed by Sanjay Ram, though, as per the accusation he died in an accident. To protest said rumor Sanjay Ram along with his friend Manoj Yadav went to the house of petitioner no.12, Om Prakash Das on a motorcycle where the altercation took place when all the named accused persons and 15-16 unknown persons brutally assaulted Sanjay Ram who died on the spot.

It is submitted by learned counsel for the petitioners that petitioner nos. 1 to 7 and 9, 11 and 12 are named in the FIR whereas names of petitioner nos. 10, 13 and 16 transpired in the subsequent statements of the informant under Section 161 and 164 Cr. P.C. The FIR has been lodged against 14 named and 15-16 unknown whereas only five injuries has been found during postmortem of the victim. The accusation is omnibus and general and since earlier a case being Murliganj P.s. Case No. 86 of 2000 was registered in which the victim Sanjay Ram and his friend Manoj Yadav were accused, hence the petitioners have been roped in the present case. A statement has been made in para 3 of the petition that the petitioners have no criminal antecedent.

Learned A.P.P. after going through the case diary

submitted that during investigation it has transpired that the petitioners participated in the assault to the victim.

Considering the rival submission of the parties, this Court is of view that considering the omnibus and general accusation, it is a case for consideration of prayer for regular bail.

Let the learned court below consider the prayer for regular bail of the petitioners if they surrender within a period of six weeks in connection with Murliganj P.S. Case No. 63 of 2012 pending in the court of learned CJM, Madhepura.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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