

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.779 of 2016

Arising Out of PS.Case No. -171 Year- 2015 Thana -BARIYARPUR District- MUNGER

Rajeeb Kuma, Son of Parmanand Mandal, Resident of village - Barail Basa,
P.S. - Bariarpur, District - Munger.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

with

Criminal Miscellaneous No.7620 of 2016

Arising Out of PS.Case No. -171 Year- 2015 Thana -BARIYARPUR District- MUNGER

Ratan Mandal, Son of Sahdeo Mandal, Resident of Pariya, P.S. -
Bariyarpur, District - Munger.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.779 of 2016)

For the Petitioner/s : Mr. Praveen Kumar Agrawal

For the Opposite Party/s : Mr. Shantanu Kumar(App)

(In Cr.Misc. No.7620 of 2016)

For the Petitioner/s : Mr. Kamal Kishore Jha

For the Opposite Party/s : Mr. T.N. Thakur (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA

ORAL ORDER

3 09-03-2016 Above noted both the applications have arisen out of one occurrence i.e. Bariarpur P.S. Case No. 171 of 2015 registered for the offences punishable under Sections 147, 148, 149, 324, 307 of I.P.C and 25(1-b) 26 & 27 of Arms Act and as such they have been heard together and are being disposed of by this common

order.

Heard learned counsel for the petitioners and learned A.P.P representing the State.

Allegedly, both the petitioners are named in the First Information Report, wherein the injured Santosh Kumar Mandal has disclosed the name of his assailants and against the petitioners it is stated that they were also making fire at the time of alleged occurrence being the member of his gang.

Submission is of false implication and that as alleged the petitioners have caused no injury to Santosh Kumar Mandal rather the petitioners are said to be the members of gang, two co-accused similarly situated namely Ashok Kumar Yadav and Bipin Yadav have been allowed bail vide Criminal Miscellaneous No. 5191 of 2016. However, the petitioners have got criminal antecedent but they are on bail in those cases and in some of the cases petitioner Ratan Mandal has been acquitted.

Learned A.P.P. fairly submits that the petitioners have not caused injury to Santosh Kumar Mandal.

In view of the facts and circumstances stated above, both the petitioners above named are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned

Chief Judicial Magistrate, Munger in connection with Bariarpur P.S. Case 171 of 2015, subject to conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J.)

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