

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45012 of 2016

Arising Out of PS.Case No. -75 Year- 2016 Thana -PATEPUR District- VAISHALI(HAJIPUR)

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1. Masudan Mandal Son of Late Faguni Mandal Resident of Village -
Maura Buzurg, Police Station - Patepur, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Roy, Advocate

For the Opposite Party/s : Smt. Renuka Ratnakar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 13-12-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
21.08.2016 in connection with Patepur P.S.Case No. 75 of 2016
registered for the offence punishable under Sections 147, 148,
149, 323, 324, 504, 307, 506 and 302 of the Indian Penal Code.

The prosecution case as lodged by the informant is
that on 21.08.2016 at about 10 A.M. when he was taking lunch
all the F.I.R. named accused came with farsa, lathi, rod and
abused vulgarly upon which when objection raised by the
informant, all of them assaulted by lathi and danda. In the
meantime, father of the informant came to save him, accused
Baijnath Mandal assaulted him by farsa on his head. It is also



alleged that during that time one accused Deonath Mandal snatched a wrist watch and Rs.500/- and co-accused Chinta Devi had taken away golden chain and Rs. 12,000/- from the box of the informant. It is also alleged that during course of treatment the father of the informant succumbed to injury.

It has been submitted by the learned counsel for the petitioner that no specific allegation of assault has been levelled against him. It is upon one Baijnath Mandal, who inflicted farsa blow on the head of the father of the informant, who succumbed to the injury. He submits that the petitioner can be alleged to be a member of unlawful assembly and no case under Section 307 of the I. P. C. is made out against him He further submits that all the witnesses in paras - 9 and 10 of the case diary, have not alleged that the petitioner assaulted. He further submits that there is land dispute between the parties and that the petitioner has no criminal antecedent. Charge sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since charge sheet has already been submitted and from the materials available, it is evident that the



release of the petitioner would not adversely effect the trial, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sub- Judge- XI-cum- Additional Chief Judicial Magistrate- X, Vaishali at Hajipur in connection with Patepur P.S.Case No. 75 of 2016.

This is however subject to the condition that the petitioner will file an undertaking duly supported by the personal affidavit before the Trial Court and he will appear physically before the Court below on each and every date till the disposal of the case and in case of failure on two consecutive dates without giving any reasonable explanation, this liberty granted will be deemed to be cancelled.

With these observations and directions, this bail application is allowed.

(Nilu Agrawal, J)

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