

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38282 of 2016

Arising Out of PS.Case No. -83 Year- 2015 Thana -CHAUSA District- MADHEPURA

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1. Abhinandan Mandal @ Abhinandan Kumar Mandal
 2. Mukesh Mandal, Both Sons of Late Satan Mandal
 3. Birju Mandal @ Vijay Kumar Son of Singheshwar Mandal
 4. Purushottam Mandal @ Purushottam Kumar Son of Ishwar Mandal All resident of Village- Tapuwa Tola, Police Station Chausa, District- Madhepura

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Shivnandan Sah, Advocate

For the Opposite Party : Mr. Smt. Pushpa Sinha (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 24-10-2016 Heard learned counsel for the petitioners and learned counsel representing the State.

The petitioners seek bail in connection with Chausa P.S Case No. 83 of 2015 registered for the offence punishable under Section 302/34 of the Indian Penal Code.

The petitioners were allowed Anticipatory Bail vide Cri. Misc. No. 1885 of 2016, but thereafter anticipatory bail was cancelled by order dated 13.07.2016 vide Cri. Misc. No. 17250 of 2016 as the petitioners have got criminal antecedent and direction was given to surrender before the learned Court below within two weeks and thereafter the petitioners have surrendered voluntarily

before the Court below. Other co-accused who have got fair antecedent have been allowed pre-arrest bail and their bail was not cancelled.

It is submitted that there is general and omnibus allegation and in the post mortem examination report, no external injury on the person of the deceased was found and, as such, the petitioners deserve sympathetic consideration, they by remaining in custody since 02.08.2016 have been sufficiently penalized for securing anticipatory bail by submitting false affidavit regarding criminal antecedent.

The learned A.P.P. submits that the petitioners have filed false affidavit stating therein that they have fair antecedent and secured pre-arrest bail which was subsequently cancelled.

In the facts and circumstances stated above, considering the detention of the petitioner, now they are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhepura, in connection with Chausa P.S Case No. 83 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioners shall remain

present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J.)

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