

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18598 of 2016

Arising Out of PS.Case No. -10 Year- 2016 Thana -TIKAPATTI District- PURNIA

1. Janardan Mandal
2. Jagdish Mandal Both son of Late Ram Nath Mandal Both resident of village - Simra, P.S. Tikapatti, Distt. - Purnea

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.18714 of 2016

Arising Out of PS.Case No. -10 Year- 2016 Thana -TIKAPATTI District- PURNIA

1. Manish Mandal Son of Hari Mandal
2. Shrawan Mandal Son of Janardan Mandal
3. Bipin Mandal Son of Janardan Mandal All Resident of Villge- Simra, P.S.- Tikapatii, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.18598 of 2016)

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
With Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. Shailendra Kr. 1(App)

(In Cr.Misc. No.18714 of 2016)

For the Petitioner/s : Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. R.N.Jha(App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 12-07-2016 Heard learned counsel for the parties.

Both the applications for grant of anticipatory bail arise out of Tikapatti P.S. Case No. 10 of 2016, disclosing offences under

Sections 302/34 of the Indian Penal Code.

For an occurrence alleged to have taken place on 03.02.2016, the First Information Report was lodged on 15.02.2016, on the basis of a written report of the informant.

It is alleged that because of land dispute between the accused persons and the informant's side, these petitioners have been falsely implicated. It appears that father of the informant was treated by a local doctor. On 14.02.2016, the father of the informant died in course of treatment. In order to explain the delay in lodging the First Information Report, it has been mentioned that because of land dispute and treatment of the injured, the First Information Report could not be lodged earlier.

Mr. Ramakant Sharma learned Senior counsel appearing on behalf of the petitioners has submitted that there is no cogent explanation for delay in lodging of the First Information Report. He has, secondly, submitted that the post mortem report does not suggest any external injury.

Learned Additional Public Prosecutor appearing on behalf of the State of Bihar has opposed the prayer for bail and has submitted that the post mortem report does indicate some occurrence of physical assault.

Be that as it may, considering the genesis of the occurrence

and the inordinate delay in lodging of the First Information Report, both the applications are allowed.

Let the petitioners above-named in the event of their arrest/surrender within four weeks from today in the Court below, 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 the learned ACJM- V, Purnea in Tikapatti P. S. Case No. 10 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present themselves before the police/court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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