

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7429 of 2017

Arising Out of PS.Case No. -75 Year- 2013 Thana -BARIYARPUR District- MUNGER

1. Santu Mandal

2. Pulkit Mandal

Both sons of Late Sita Ram Mandal, R/o village- Udaypur, Kala Rampur,
P.S.- Naya Ram Nagar, District- Munger Petitioners

Versus

The State of Bihar

.... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Naresh Dass

For the Opposite Party/s : Mr. Sir Pawan Kumar Chaurasiya

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 20-03-2017 Heard learned counsel for the petitioners and learned
counsel representing the State.

Petitioners seek bail in connection with Bariyarpur P.S.
Case No. 75 of 2013 registered for the offences punishable under
Sections 147, 148, 149, 447, 302 of the Indian Penal Code and
Section 27 of the Arms Act.

Allegedly, the petitioners and others surrounded the
husband of the informant and firearm injury was caused to the
husband of the informant by co-accused Mirtyunjay Yadav @
Tara Yadav who is not the petitioner before this Court.

Submission is of false implication and that the post mortem
report reflects only one firearm injury to the victim, the petitioners
have got no criminal antecedent, however, they were accused in
Sessions Trial No. 944 of 2014 arising out of Bariyarpur P.S. Case



No. 27 of 2013 wherein they have been acquitted. Similarly situated accused Sunil Mandal has been allowed bail vide Cr. Misc. No. 400 of 2014 by another co-ordinate Bench of this Court, the petitioners are suffering in custody since 28.04.2016 and as such the petitioners deserve sympathetic consideration.

Learned APP submits that the petitioners are named in the first information report.

In the facts and circumstances stated above, considering that co-accused Sunil Mandal has been allowed bail, 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 the like amount each to the satisfaction of learned Sessions Judge, Munger in Sessions Trial No. 298 of 2016 arising out of Bariarpur P.S. Case No. 75 of 2013, 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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