

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46486 of 2017

Arising Out of PS.Case No. -76 Year- 2016 Thana -ALAMNAGAR District- MADHEPURA

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1. Heera Kumar @ Heera Babu @ Hira Kumar
2. Rajeev Kumar @ Laukra @ Lakre Both sons of Bhuvneshwari Roy @ Bhuvwaneshwar Rai @ Bhuneshwar Rai @ Bhuvneshwari Rai resident of village Bargaon, Police Station Alamnagar (Ratwara), District Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta

For the Opposite Party/s : Mr. Shailendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

4 08-11-2017

Heard both sides.

The petitioners seek bail in Alamnagar, Ratwara P.S. Case No.76 of 2016 under Section 302 and other Sections of the Indian Penal Code.

The informant named ten persons in the F.I.R. and alleged that while his nephew was igniting fire crackers for celebrating win of a family member as Mukhiya, the petitioners and others are alleged to have come. On the order of Bhuvneshwari Mandal, accused persons dragged Sunil Mandal. Keshav Mandal and Diwakar @ Mantu are alleged to have assaulted Sunil Mandal with lathi and iron rod on his neck. The petitioners are also alleged to have assaulted thereafter.

The learned counsel for the petitioners submits that ten



persons are alleged to have assaulted the deceased after the deceased being assaulted by Keshav Mandal and Diwakar @ Mantu. No specific allegation of assault is made against the petitioner.

The prayer for bail of the petitioner was earlier rejected by the order dated 11.05.2017 passed in Cr. Misc. No.18773 of 2017. The petitioner moved before the Hon'ble Supreme Court for grant of bail but petitioners were permitted to withdraw the petition in S.L.P.(Criminal) No.5317 of 2017 with permission to firstly move before the High Court and thereafter, this petitioner moved this Court for grant of bail on the ground that Diwakar @ Mantu against whom there is specific allegation along with Keshav Mandal that they assaulted the deceased on his neck has been granted bail on the ground that no injury was found on the neck of the deceased. Petitioner is in jail since 22.03.2017. Bhuneshwari Mandal, the order giver has also been granted regular bail by co-ordinate Bench of this Court vide order dated 26.10.2016 passed in Cr. Misc. No.36980 of 2016. Diwakar @ Mantu Rai was also granted bail by order dated 20.09.2017. The case of the petitioner stands on better footing than that of Diwakar @ Mantu Rai against whom specific allegation is made along with Keshav Mandal.



The learned A.P.P. has vehemently opposed the prayer for bail.

It appears that informant named the petitioner but made specific allegation against Keshav Mandal and Diwakar @ Mantu Rai that they assaulted the deceased with iron rod and lathi on his neck and consequently, Sunil Mandal, the deceased fell down after becoming unconscious and all the accused are alleged to have assaulted thereafter. But it appears that Diwakar @ Mantu Rai against whom there is specific allegation of assault with lathi/iron rod on the neck of deceased, has already been granted bail by order dated 20.09.2017 passed in Cr. Misc. No.45304 of 2017 by a co-ordinate Bench of this Court. The order giver, Bhuneshwari @ Bhuneshwar has also been granted bail by order dated 26.10.2016 passed in Cr. Misc. No.36980 of 2016.

Considering the facts aforesaid and the nature of allegation made against the petitioners, the petitioners, above named are directed to be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Udakishunganj, Madhepura in connection with Alamnagar(Ratwara) P.S. Case No.76 of 2016.

(Prabhat Kumar Jha, J)

Saurabh/-

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