

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4862 of 2017

Arising Out of PS.Case No. -84 Year- 2016 Thana -ANDHRAMATH District- MADHUBANI

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1. Deepak Mandal S/O BihariMandal
2. BihariMandal S/O Late BaldevMandal null
3. BachceLalMandal @ Bache LalMandal S/o Late Sahdeo Mandal All are
R/O Village- Dhabauli, P.S.- Andharamath, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar

For the Opposite Party/s : Mr. Sri Chaubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 14-02-2017 Heard the parties.

This application has been filed in connection with Andharamath P.S.Case No.84 of 2016 (G.R.No.1549 of 2016) for the offence under Sections 147, 148, 149, 341, 323, 324, 379, 504 and 506 of the Indian Penal Code.

It is submitted on behalf of the petitioners that as a matter of fact no offence is made out under Section 307 of the Indian Penal Code, however, later on, on the basis of direction of the superior officer, the case has been lodged under Section 307 of the Indian Pena Code. Further, so far petitioner no.1 is concerned, there is allegation that he has assaulted by 'Farsa' to the head of the informant, but injury is simple in nature and so far petitioner nos. 2 and 3 are concerned, there is no specific allegation against them and the whole occurrence was due to encroachment of government



land for construction of road. The petitioners are ready to abide by any condition imposed upon them.

Heard learned A.P.P. also.

Having heard both sides. In view of the fact that the injury are simple in nature, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of Sri S.K. Roy, J.M. Ist Class, Jhanjharpur, Madhubani in connection with Andharamath P.S.Case No.84 of 2016 , subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the investigation of the case and make themselves available as and when required by the Police and on the event of failure on their part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of their bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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