

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44185 of 2017

Arising Out of PS.Case No. -2 Year- 2017 Thana -PIPRA District- SUPAUL

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1. Pawan Mandal, Son of Buchhi Mandal,
2. Arun Mandal Son of Late Subdhar Mandal, Both are R/o Village- Rajpur,
P.S.- Pipra, District- Supaul.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Adv.

For the State : Mr. Murli Dhar, A.P.P.

For the Opposite Party/s : Mr. Suraj Nr. Yadav, Adv.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 21-11-2017 Heard learned counsel for the petitioners, learned
counsel for the informant, learned APP for the State.

Petitioners seek bail in connection with Pipra P.S. Case
No. 02 of 2017 for offences punishable under Sections 341, 323,
504, 506, 379, 302/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he was at his house he heard some sound and found that
co-accused Bucchi Mandal, Rajesh Mandal and Durganand
Mandal armed with weapons started assaulting the informant and
thereafter the petitioner along with other lady members came and
started assaulting the nephew of the informant and other family



members of the informant on which one Akhilesh Kumar got seriously injured and while undergoing treatment he died. The allegation upon the petitioner no. 1 is of snatching the mobile from Mithilesh Kumar and allegation upon the petitioner no. 2 is of assaulting the informant's side by means of lathi, danda and Kulhari.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case. There was a land dispute between the parties and for this earlier Pipra P.S. Case No. 128 of 2016 was lodged by the informant's side and there was a counter case lodged by the petitioners. He submits that general and omnibus allegations have been levelled against the petitioners and that the said Akhilesh Kumar on whose assault succumbed to the injury is not evident and specific. He submits that charge-sheet has already been submitted and petitioners are languishing in judicial custody since 17.07.2017.

However, learned counsel for the informant vehemently opposes the prayer for bail stating therein that as per the postmortem report, the deceased suffered innumerable injuries and immediate cause of death was head injury caused by hard and



blunt substance.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record since the allegation upon the petitioner no. 1 is of only snatching the mobile, let the petitioner no. 1, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- III, Supaul in connection with Pipra P.S. Case No. 02 of 2017, subject to the conditions that:

- (1) Both bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

So far as the petitioner no. 2 is concerned since allegation is he along with other accused persons assaulted the deceased, I am not inclined to grant privilege of bail to petitioner no. 2 at this stage in



connection with Pipra P.S. Case No. 02 of 2017, pending in the court of learned A.C.J.M.- III, Supaul.

The application is, accordingly, rejected.

However, the petitioner is at liberty to renew his prayer for bail after framing of charge.

(Nilu Agrawal, J)

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