

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16018 of 2017

Arising Out of PS.Case No. -151 Year- 2016 Thana -KURSELA District- KATI HAR

- =====
1. Nand Keshore Mandal @ Nand Kishore Mandal , Son of Late Bouku Mandal,
2. Nepali Mandal , Son of Nand Keshore Mandal @ Nand Kishore Mandal.
Both Resident of Village- Bagmara, P.S.- Kursela, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar
For the Opposite Party/s : Mr. Sri Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 25-04-2017 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners are in custody since 16.11.2016 in connection
with Kursela P.S. Case No. 151 of 2016 registered under Sections 302,
384, 504, 506/34 of the Indian Penal Code and 25(1-b)a, 27 of the Arms
Act.

Learned counsel for the petitioners has submitted that the
petitioners, who are of clean antecedents, have not committed any
offence and have falsely been implicated in this case. In fact, there is
land dispute between the parties and for which mother of petitioner
No.1, Mangali Devi, who is also co-accused in this case, has filed a
complaint case being complaint Case No. 776 of 2010 against the
father-in-law of the informant, which is still pending. On account of



that only these petitioners have been made accused in this case. There is no eye witness to the alleged occurrence nor any witnesses have supported the prosecution version. The petitioners are rotting in custody for the last five months.

Learned A.P.P. has opposed the prayer for bail and submitted that in the written report there is specific allegation against Nepali Mandal, who fired upon the husband of the informant due to which he fell down. Thereafter, on hulla villagers arrived there and the husband of the informant was taken to the hospital, but he died.

Considering the facts and circumstances of the case, let the petitioner No.1, Nand Keshore Mandal @ Nand Kishore Mandal, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand rupees only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-III, Katihar in connection with Kursela P.S. Case No. 151 of 2016.

So far petitioner No.2 is concerned, considering the direction allegation against petitioner No. 2, this Court is not inclined to grant bail to petitioner No.2. Accordingly, the prayer for bail of petitioner No.2 is, hereby, rejected.

(Arvind Srivastava, J.)

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