

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19927 of 2017

Arising Out of PS.Case No. -83 Year- 2003 Thana -SONO District- JAMUI

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Dashrath Mandal @ Dashrath Prasad Mandal, Son of Basu Mandal,
resident of Village- Matihana, P.S.- Sono, District- Jamui.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bharat Lal, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 05-07-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
13.02.2017 in connection with Sono P.S. Case No. 83 of 2003,
G.R. No. 734 of 2003 registered for the offence punishable under
Sections 147, 148, 341, 307, 436, 323, 302, 354 427, 380 and
120(B) of the Indian Penal Code, Sections 3/ 4 of the Explosive
Substances Act and Sections 3/ 4 of the Anti-Terrorist Act.

The prosecution case, as lodged by the informant, is
that as many as 30-40 MCC extremists entered in the house, killed
her husband and set everything on fire.

It has been submitted by the learned counsel for the
petitioner that he is innocent, does not have any criminal



antecedent and is a retired Panchayat Sewak aged about 79 years with kidney ailment. It is further submitted that initially in 2004, the Superintendent of Police did not find the accusation true against the petitioner and other co-accused, but in the supplementary supervision note in 2009, the successor Superintendent of Police found the case true against the petitioner. He further submits that three of the named accused have since been acquitted in Sessions Trial No. 247 of 2004 by the Jamui Court and that another co-accused, namely, Bharat Mandal has since been granted the privilege of bail on similar allegations in Cr. Misc. 19883 of 2017 on 21.06.2017 by a coordinate Bench of this Court. It is further submitted that the allegations are general and omnibus.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the husband of the informant was killed and petitioner and other accused are named in the First Information Report.

Be that as it may, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1, Jamui in connection with Sono P.S. Case No. 83



of 2003, G.R. No. 734 of 2003, subject to the condition that both the bailors would be close relative of the petitioner, who would file an affidavit stating their relation with the petitioner and that they must have sufficient immovable properties within the territorial jurisdiction of the concerned P.S./ Court.

(Nilu Agrawal, J.)

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