IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43234 of 2016

Arising Out of PS.Case No. -180 Year- 2014 Thana -TRIVENIGANJ District- SUPAUL

==========

1. Mahendra Mandal Son of Late Thithar Mandal
2. Radhy Mandal son of Late Rameshwar Mandal
3. Janki Devi wife of Mahendra Mandal
4. Chhedi Mandal son of Late Sukhay Mandal
5. Shatrughan Mandal son of Late Sukhay Mandal
6. Basdeo Mandal son of Late Ramfal Mandal
7. Sonelal Mandal son of Late Ramfal Mandal All residents of Village- Dhadhi Chhata, Police Station- Kishanpur, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr. Uday Chand Prasad
For the Opposite Party/s : Mr. Sri Akhileshwar Dayal

==========

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 28-01-2017 The petitioners are apprehending their arrest in connection with Triveniganj P.S. Case No. 180 of 2014, registered for offences punishable under Sections 341, 323, 365 and 34 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that in this case there is delay of sixteen days in lodging the F.I.R. It has further been submitted that whole family members have been made accused in the present case only because earlier the petitioner no. 1 had lodged a case against the informant's mother and one Dinesh Mandal for killing the younger brother of petitioner no. 1. and it is highly doubtful that why the informant's

WEB COPY

daughter would come with the persons, with whom they have previous enmity. It has also been submitted that even from perusal of the record, it will appear that there is no eyewitness of the present occurrence.

Learned counsel, appearing on behalf of the State opposed the prayer of bail and submitted that the victim girl has still not been recovered in this case.

Having heard both sides, in view of the fact that there is nothing against the petitioners except the allegation made by the informant and other family members. It appears from perusal of record that earlier petitioner no. 1 had filed a case against informant's mother and one Dinesh Mandal under Section 302 of the I.P.C., for murder of his younger brother. However, it is also an admitted fact that the victim girl has not yet been recovered in this case. As such let the petitioners above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on provisional bail till submission of charge-sheet, on furnishing bond of Rs. 10,000 (Rs. Ten Thousand), each with two sureties of the like amount each to the satisfaction of Sri. S. Ram, learned Judicial Magistrate, Supaul, in connection with Triveniganj P.S. Case No. 180 of 2014, subject to the conditions

WEB COPY

as laid down under Section 438(2) of the Cr.P.C.

This is further subject to the condition that the petitioners shall cooperate in the investigation of the case and make themselves present before the police, as and when required except on showing some genuine reasons and in the event of failure on their part to appear before the police on two consecutive occasions, their bail bond shall be liable to be cancelled.

It is also made clear that once the charge-sheet is filed in this case, petitioners will have to surrender before the court below and if they desire may make a prayer for grant of regular bail, which will be considered by learned court below on the basis of the materials available before him at that point of time.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

sunil/-

U		T	

WEB COPY