

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2589 of 2017

Arising Out of PS.Case No. -177 Year- 2015 Thana -GOPALPUR District- BHAGALPUR

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1. Lulha Mandal Son of Jhingur Mandal, R/o Village- Abhiya, P.S.-
Gopalpur, District- Bhagalpur (Bihar).

.... Appellant/s

Versus

1. The State of Bihar.
2. Awadhesh Paswan Son of Late Nathuni Paswan , R/o Village- Amihya,
P.S.- Gopalpur, District- Bhagalpur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Tribhuwan Narayan

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 21-09-2017 Heard the parties.

The appellant seeks regular bail in connection with
S.T.No.567 of 2017, T.R.No.28 of 2017 arising out of Gopalpur
P.S.Case No.177 of 2015 registered for offences punishable under
Section 147, 148, 149, 452, 307, 302, 323, 325, 436, 379, 341 and
342 of the Indian Penal Code and Section 3(2)(v) of SC/ST
(Prevention of Atrocities Act) Act.

Allegation against the appellant and several other
accused persons is of assaulting the son of the informant causing
his death and further allegation against this petitioner is that the
appellant along with other co-accused persons was forcing to
withdraw the earlier case lodged by the informant.



Submission of the learned counsel for the appellant is that there is general and omnibus allegation against the appellant and other co-accused persons. No specific allegation has been attributed and almost all the accused persons have been granted bail by this Court, vide order dated 27.9.2016 passed in Cr. Appeal (SJ) No.644 of 2016 and order dated 18.5.2017 passed in Cr. Misc. No.562 of 2017. It is further submitted that even Manoj Mandal and Sunil Mandal have also been granted bail and the case of the appellant is similar to those accused persons. The appellant is in custody since 15.5.2017

Heard learned Special P.P. also.

Having heard both sides in view of the fact that other co-accused persons have been granted bail, this appeal is allowed.

Let the appellant above named, be released on bail on furnishing bail bonds of Rs.25,000 (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of 2nd Addl. Sessions Judge-cum-Special Judge, Bhagalpur in connection with S.T.No.567 of 2017, T.R. No.28 of 2017 arising out of Gopalpur P.S.case no.177 of 2015 after setting aside order dated 4.8.2017 passed by the learned 2nd Addl. District & Sessions Judge-cum-Special Judge, Bhagalpur in S.T.No.567 of 2017, T.R.No.28 of 2017 arising out of Gopalpur P.S.Case no.177



of 2015, subject to the following conditions:-

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

With the above observation, this appeal is allowed.

(Vinod Kumar Sinha, J)

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