

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47589 of 2017

Arising Out of PS.Case No. -147 Year- 2017 Thana -KAHALGAON District- BHAGALPUR

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1. Digambar Mandal Son of Narayan Mandal
2. Paras Mandal Son of Late Mahadeo Mandal
3. Bhupendra Mandal @ Bhupendra Mandal Son of Ayodhi Mandal
All are Resident of village- Amba Waisa, P.S.- Kahalgaon, District-
Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey

For the Opposite Party/s : Mr. Satyadev Prasad Singh Yadav

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 02-11-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail in connection with Kahalgaon P.S.
Case No. 147/17 for offences punishable under Section 307 and
other allied Sections of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he was planting chili seeds in his field, the petitioners
along with three others came variously armed and demanded
rangdari of Rs. 2 lakhs. Allegation upon petitioner nos. 2 and 3 is
that they took away 1 HP motor wire and pipe amounting to Rs.
15,000/- and allegation upon petitioner no. 1 is that he hit the



informant on his head by means of gandasa.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case. He submits that petitioner no. 1 is in custody since 14.05.2017, petitioner no. 2 is in custody since 22.05.2017 and petitioner no. 3 is in custody since 07.06.2017. He further submits that charge-sheet has already been submitted, case not found true under Section 307 IPC as the injuries have been found to be simple and caused by hard blunt substance. It is submitted that one of the co-accused has been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 45000 of 2017 on 21.09.2017.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Kahalgaon P.S. Case No. 147/17, subject to the conditions that:

- (i) One of the bailors would be a close relative of the



petitioners having sufficient immovable property, who will file an affidavit stating his relationship with the petitioners.

- (ii) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

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