

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45056 of 2018

Arising Out of PS. Case No.-2 Year-2017 Thana- PIPRA District- Supaul

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Arun Mandal S/o Subdhar Mandal, R/o Vill.- Rajpur, P.S.- Pipra, District-
Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Arun, Adv.
		Mr. Sanjay Kumar@ S.K. Adv.
For the Opposite Party/s :		Mr. Pancha Nand Pandit, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 25-07-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner had earlier moved for bail along with another co-accused which was rejected vide order dated 21.11.2017 passed in Cr. Misc. No. 44185 of 2017. Petitioner is languishing in judicial custody since 17.07.2017 in connection with Sessions Trial No. 09/2018, arising out of Pipra P.S. Case No. 02 of 2017 registered for the offence punishable under Sections 341, 323, 504, 506, 379/34 of the Indian Penal Code. Later on Section 302 of the Indian Penal Code has been added.

The prosecution case, as lodged by the informant, is that while he was in his house, he heard some sound and saw three accused persons armed with weapons, who started



assaulting the informant. Thereafter the petitioner along with other lady members came and assaulted the nephew and other family members of the informant on which one Akhilesh Kumar got seriously injured and during the course of treatment he died. Allegation upon the petitioner is that he assaulted the informant's side by means of lathi, danda and axe.

It has been submitted by the learned counsel for the petitioner that he is innocent. There was a land dispute between the parties for which earlier also Pipra P.S. Case No. 128 of 2016 was lodged by the informant's side in which police has completed investigation and submitted the charge-sheet of being a matter relating to land dispute. He submits that general and omnibus allegations have been levelled against the petitioner and the other accused and that although charges have been framed, but none of the witnesses has been examined, as is evident from the impugned order dated 05.06.2018. Petitioner undertakes to co-operate in the trial and appear before the Trial Court on day-to-day basis.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, 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 Addl. Sessions Judge-1st, Supaul in connection with Sessions Trial No. 09/2018, arising out of Pipra P.S. Case No. 02 of 2017, subject to the conditions that:

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The petitioner will co-operate in the trial and appear before the Trial Court as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Arjun/Pragya

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