

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4460 of 2018

Arising Out of PS.Case No. -247 Year- 2015 Thana -SULTANGANJ District- BHAGALPUR

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Tuntun Mandal @ Tunma Mandal S/o Jagdish Mandal, R/o Village- Purani
Durga Sthan, Gali No.1, P.S.- Sultanganj, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar
For the Opposite Party/s : Mr. Smt Pushpa Sinha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-01-2018 Heard learned counsel for the petitioner and learned
APP for the State.

This is the second round of litigation. Earlier prayer for
bail of the petitioner was rejected vide order dated 08.09.2017
passed in Cr. Misc. No. 30215 of 2017.

Petitioner is languishing in judicial custody since
18.04.2017 in connection with Sessions Trial No. 868 of 2017
arising out of Sultanganj P.S. Case No. 247 of 2015 for offences
punishable under Sections 341, 323, 385, 307, 504, 506, 34 of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that he works as a contractor and two accused persons Golu
Mandal and Atul Mandal had demanded Rangdari earlier. On



23.10.2015 while the informant was seeing the Durga Visarjan procession, the petitioner along with two named accused and 4-5 not named in the F.I.R. came and assaulted the informant. Allegation upon the petitioner is of assaulting the informant by means of iron rod.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that although the date of occurrence was on 23.10.2015 fardbeyan was recorded on 31.10.2015 and F.I.R. was lodged on 10.12.2015 after inordinate delay and no plausible explanation for the same has been given. He submits that now charges have been framed and the petitioner undertakes to co-operate in the trial on day to day basis.

However, learned APP for the State opposes the prayer for bail stating therein that the injury has been caused on the vital part of the body.

Considering the facts and circumstances and the materials on record and the undertaking of the petitioner, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions



Judge, Bhagalpur in connection with Sessions Trial No. 868 of 2017 arising out of Sultanganj P.S. Case No. 247 of 2015, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial 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)

Devendra/-

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