

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77113 of 2018

Arising Out of PS. Case No.-282 Year-2017 Thana- PHULPARAS District- Madhubani

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Domi Mandal, Son of Late Sampati Mandal @ Late Sampati Lal Mandal
Resident of Village--Garba, P.S.-Phulparas, District-Madhubani
... Petitioner

Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr. Talib Mustafa, Adv.

For the Opposite Party : Mr. Asharaf Ansari, APP 86

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 02-01-2019 Heard the learned counsel for the petitioner and the

learned counsel appearing for the State.

The petitioner had earlier moved for bail which was rejected on 12.07.2018 in 34085 of 2018. The petitioner is languishing in judicial custody since 05.12.2017 in connection with Phulparas P.S. Case No. 282 of 2017 for the offences alleged under Sections 147, 148, 149, 341, 323, 302 and 120B of the Indian Penal Code.

The prosecution case, as lodged by the informant is that while his brother was on his way to the field, 11 named and 5 unnamed accused persons assaulted the informant's brother by lathi, danda, rod, bat, wicket as a result he was brutally injured and while being taken to the hospital he succumbed to the injuries. It has been alleged that the cause of dispute was Panchayat election. It has been submitted by the learned



counsel for the petitioner that he is innocent, bears no criminal antecedent and there is general and omnibus allegation upon 16 persons and it is not ascertainable as to on whose injuries the informant's brother succumbed. He submits that the petitioner has not been named in the first information report and on re-statement the name of the petitioner surfaced. He submits that some of the accused who have been named in the first information report have been granted privilege of bail in Cr. Misc. No. 38128 of 2018 by a coordinate Bench of this Court. Learned counsel for the petitioner submits that the charges have already been framed on 26.10.2018 and the petitioner undertakes to cooperate in the trial on day-to-day basis.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Phulparas P.S. Case No. 282 of 2017 to the satisfaction of the learned Additional Chief Judicial Magistrate, II, Jhanjharpur, Madhubani, subject to the following conditions :

(i) 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.

(ii) 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)

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