

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26836 of 2019

Arising Out of PS. Case No.-185 Year-2017 Thana- GHANSHYAMPUR District- Darbhanga

Sarwan Mandal, aged about 48 years, Son of Arjun Mandal Resident of
Village- Mansara, P.S.- Ghanshyampur, District- Darbhanga.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Girish Chandra Jha, Advocate
For the Opposite Party : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 24-04-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 147, 148, 149, 307, 324, 302 and 504 of the Indian Penal Code registered in connection with Ghanshyampur P.S. Case No. 185 of 2017.

3. It is submitted that the petitioner has been falsely implicated in the backdrop of land dispute and for which Title Suit No. 108 of 2012 and Money Suit No. 01 of 2009 filed by the husband of the informant against the petitioner and others had already been dismissed on 10.01.2013 and 11.05.2017 respectively. The informant's side has filed five other cases out of six cases in which the petitioner has been made accused which discloses the intention of the informant to harass the petitioner. There is no accusation of assault whatsoever upon the deceased attributed to the petitioner who is said to have assaulted the daughter of the informant with knife. Statement is made at the Bar that there is no injury report on record to corroborate such accusation.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of



communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Biroul, Darbhanga in connection with Ghanshyampur P.S. Case No. 185 of 2017, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

5. The provisional bail granted to the petitioner shall be confirmed upon verification by the learned court below that no serious injury has been caused to the daughter of the informant by reason of assault attributed to the petitioner, failing which his bail bond shall stand automatically cancelled.

BT/-

(Vikash Jain, J)

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