

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6070 of 2020**

Arising Out of PS. Case No.-43 Year-2017 Thana- BARIYARPUR District- Munger

Shrawan Mandal Son of Late Kapildeo Mandal Resident of Village - Kathara,
P.S.- Bariyarpur, Distt - Munger.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kumar Kamal Nayan, Advocate

For the Opposite Party/s : Mr.Manoj Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 03-06-2020 This application has been placed for consideration by the
order of the Hon'ble the Chief Justice through virtual court
proceeding.

Heard learned counsel for the petitioner and learned APP
for the State.

This is an application for grant of regular bail to the
petitioner in connection with Bariyarpur P.S. Case No. 43 of 2017
registered for the offence punishable under Sections 147, 148, 149,
341, 323, 336, 448,302 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the
first information report, there are general and omnibus allegations
against this petitioner. The specific allegation of causing assault on
the head of the husband of the informant is against co-accused Dilip
Kumar.

It is submitted that so far as the similarly situated co-
accused persons are concerned, they have been granted privilege of



regular bail by a learned co-ordinate Bench of this Court vide order dated 17.01.2018 passed in Cr. Misc. No. 2783 of 2018 (Annexure 3 series). It is submitted that the petitioner is in custody in connection with this case since 23.10.2019, investigation against him is complete hence, he may be granted privilege of regular bail.

Learned counsel for the State has though opposed the prayer for regular bail but in course of argument learned APP admits that similarly situated co-accused have been granted privilege of regular bail by a learned co-ordinate Bench of this Court.

Considering the facts and circumstances of the case wherein there are general allegations against this petitioner of causing assault after the husband of the informant fell down but the similarly situated co-accused have been granted privilege of regular bail by a learned co-ordinate Bench of this Court and the direct allegation is against co-accused Dilip Kumar and there is no argument that the release of the petitioner at this stage is in any way likely to interfere with the course of trial, let the petitioner above named be released on bail in connection with Bariyarpur P.S. Case No. 43 of 2017 (G.R. No. 806 of 2017) on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction learned Chief Judicial Magistrate, Munger, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the



conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

