

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12810 of 2020

Arising Out of PS. Case No.-275 Year-2019 Thana- BHARGAMA District- Araria

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MAHARAVI MANDAL @ MEHARANGI MANDAL @ KALESHWAR
MANDAL @ KALESHAR MANDAL, Son of Late Anup Mandal, Resident
of Village - Haripur Kalan, Ward No. 9, P.S. - Bhargama, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 03-06-2020 The matter has been taken up through virtual Court
proceeding.

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

The present application has been preferred with a
prayer for grant of bail in a case registered for the offence
punishable under Section 302/34 of the Indian Penal Code.

The prosecution case as per the written report of Sako
Devi submitted before the S.H.O., Bhargama Police Station is to
the effect that on 26.11.2019, on being informed by the police
about recovery of dead body of his son, the informant went to



the said village and came to know that co-accused, Subhankar Ram, Dularchand Ram, Fuleswar Ram, Rajesh Mandal, Maharavi Mandal (petitioner), Mantu Mandal and Lalo Mandal assaulted the son of the informant, as a result, he died.

It is submitted by learned counsel for the petitioner that the occurrence took place at the door of co-accused, Rekha Devi whose statement has been recorded by the S.H.O., Bhargama Police Station wherein she has stated that the victim entered into her house and asked something from her daughter Rita, then he was caught and thereafter several co-accused, including the petitioner, assaulted the victim, who subsequently died. Moreover, co-accused, Rekha Devi, on basis of whose statement, the name of the petitioner sprang up, has been granted bail by a Co-ordinate bench of this Court vide order dated passed in Criminal Miscellaneous No. The petitioner is languishing in custody since 27.11.2019 and the investigation has already been concluded.

Learned APP for the State submits that the petitioner is alleged to have assaulted the victim.

Considering the fact that the the accusation is omnibus and general, the name of the petitioner sprang up on the statement of co-accused, who has been granted bail by a



Co-ordinate bench of this Court, the investigation already being concluded coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Judicial Magistrate, 1st Class, Araria, in connection with Bhargama P.S. Case No. 275 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Araria, in connection with Bhargama P.S. Case No. 275 of 2019.

The learned Court below is at liberty to further extend



the period of provisional bail if the lock down is not over in next
three months.

(Dinesh Kumar Singh, J)

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