

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75155 of 2019

Arising Out of PS. Case No.-55 Year-2011 Thana- MARAUNA District- Supaul

Shivee Mandal @ Shibo Mandal @ Shiboo Mandal @ Shivendra Mandal,
S/O late Ramprasad Mandal, Resident of Village- Sisauni, P.S.- Marauna,
District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bidhan Chandra Jha

For the Opposite Party/s : Mr.Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 07-01-2020 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner in the present case is seeking regular bail in connection with Marauna P.S. Case No.55 of 2011 registered for the offence punishable under Sections 341, 323, 324, 325, 504 and 506/34 of the Indian Penal Code, later Section 304 IPC has also been added.

Learned counsel for the petitioner submits that in the FIR there are general and omnibus allegations of assault by lathi and danda against this petitioner. Initially the case was registered under Sections 341, 323, 324, 325, 504 and 506/34 of the Indian Penal Code. The petitioner surrendered in the court below and was granted regular bail, but later on the police submitted charge-sheet and added Section 304 I.P.C. in the FIR after death of the injured and because of that the bail bond of the petitioner was cancelled



on 24.01.2019 without giving any opportunity of hearing to the petitioner and he was arrested on 28.06.2019.

Learned counsel submits that from the FIR it would appear that quarrel took place between two minor children in which some scuffle took place among the deceased and co-accused Chhedi Sah and Rajendra Sah who had assaulted the deceased on his left leg and on the waist repeatedly. So far as allegation against this petitioner is concerned, it is alleged that he came there after hearing Hulla and had assaulted the deceased by lathi and danda, but the learned Sessions Judge, Supaul while rejecting the prayer for regular bail of the petitioner has taken note of the injury report in paragraph 11 of the case diary which shows injury on the right leg and the injured is said to have died because of the fracture in his elbow. It is submitted that vide order dated 26.08.2019, a learned coordinate Bench of this Court has granted regular bail to the co-accused Chhedi Sah, Rajendra Sah and Ram Kumar Mandal in Cr.Misc.No.52354 of 2019.

Learned APP has though opposed the prayer for regular bail of the petitioner, however, considering the facts and circumstances of the case wherein the police had earlier submitted charge-sheet and the petitioner had been granted regular bail by learned court below and later on his bail bond was cancelled without giving any opportunity of hearing to the petitioner and



further that similarly situated accused have been granted privilege of regular bail by a learned coordinate Bench of this Court, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of Sri Kamlesh Singh Deou, learned Judicial Magistrate-1st Class, Supaul in connection with Marauna P.S. Case No.55 of 2011, subject to the condition as laid down under Section 437 (3) 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, of 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.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--

