

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12121 of 2021

Arising Out of PS. Case No.-164 Year-2020 Thana- BATHNAHA District- Sitamarhi

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1. Shobhit Mandal Aged About 31 Years Son Sri Raghunath Mandal R/O Village- Sonbarsa, P.S.- Bathnaha, District- Sitamarhi
 2. Bantilal Mandal @ Sunil Kumar Aged About 22 Years Son Of Sri Indrajeet Mandal R/O Village- Sonbarsa, P.S.- Bathnaha, District- Sitamarhi
 3. Baua Lal Mandal Aged About 62 Years Son Of Jineshwar Mandal @ Jineshwar Mandal R/O Village- Sonbarsa, P.S.- Bathnaha, District- Sitamarhi
 4. Saukhilal Mandal Aged About 50 Years Son Of Harishchandra Mandal R/O Village- Sonbarsa, P.S.- Bathnaha, District- Sitamarhi
 5. Shyam Kishore Mandal Aged About 33 Years Son Of Pragdas Mandal R/O Village- Sonbarsa, P.S.- Bathnaha, District- Sitamarhi
 6. Chandan Mandal Aged About 23 Years Son Of Sakal Mandal R/O Village- Sonbarsa, P.S.- Bathnaha, District- Sitamarhi
 7. Binod Mandal Aged About 22 Years Son Of Saukhilal Mandal R/O Village- Sonbarsa, P.S.- Bathnaha, District- Sitamarhi
 8. Sajan Mandal Aged About 20 Years Son Sri Ram Bahadur Mandal R/O Village- Sonbarsa, P.S.- Bathnaha, District- Sitamarhi
 9. Ram Jivan Mandal Aged About 57 Years Son Of Sri Chandra Mandal R/O Village- Sonbarsa, P.S.- Bathnaha, District- Sitamarhi
 10. Jai Prakash Mandal Aged About 43 Years Son Of Rajendra Mandal R/O Village- Sonbarsa, P.S.- Bathnaha, District- Sitamarhi

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Udbhav, Advocate
For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-06-2021

This matter is taken up for consideration through



Video Conferencing.

Heard learned counsel for the petitioners and the State.

Petitioners seek bail in a case registered for the offence punishable under sections 307/302 and other ancillary sections of the Indian Penal Code.

As per the prosecution case, on 27.7.2020 at 12.30 noon when informant's villagers Mod Narayan Rai and Jatadhar Rai were going towards field some villagers of Sonbarsa village started abusing and assaulting them. Seeing the said occurrence informant's father Ram Bahadur Pandit (deceased) and uncle Vishwanath Pandit working in the nearby field rushed to the place of occurrence to rescue their villagers at which the accused persons including the above named petitioners of village Sonbarsa along with 10/15 unknown persons assaulted informant's father and uncle by barchi, bhala, farsa, sword and sharp weapons. It is further alleged that informant villagers Lalbabu Rai, Pramod Pandit and Raju Kumar were also injured in the occurrence when they intervened to pacify the quarrel. Thereafter, the villagers brought the injured father and uncle of the informant to hospital, Sitamarhi. However, in course of treatment, informant's father died.



Learned counsel for the petitioners submits that there is a case and counter case. Earlier to the instant case, prosecution party assaulted Arvind Kumar and others for which Bathnaha Police Station Case No. 168 of 2020 has also been lodged. Further, no specific allegation was levelled against the petitioners. Allegation of assault is general and omnibus in nature. Petitioners have got clean antecedent as stated in paragraph 3 of the bail petition. Petitioners are in custody since 4.12.2020.

Considering the rival submissions of the parties, materials available on the record and the fact that no specific allegation of assault was levelled against the petitioners and they have got clean antecedent, let the petitioners, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of on the Chief Judicial Magistrate, Sitamarhi in Bathnaha Police Station Case No. 164 of 2020 following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient



reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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