

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17936 of 2021**

Arising Out of PS. Case No.-109 Year-2020 Thana- RUDRAPUR District- Madhubani

Sushil Kumar Mandal Son Of Dukhan Mandal R/O Village- Rakhbari Purbari
Tola, P.S.- Rudrapur, District- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Rajiv Roy,Sr.Advocate Mr.Manoj Kumar Jha,Advocate
For the Opposite Party/s	:	Mr.Akhileshwar Dayal,APP

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

5 28-10-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard Mr. Rajiv Roy, learned Senior Counsel assisted by Mr. Manoj Kumar Jha, learned Advocate on behalf of the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Rudrapur P.S. Case No. 109 of 2020 registered for the offences punishable under Sections 341, 323, 504, 307 of the Indian Penal Code. He is in custody since 07.09.2020. The petitioner has got one criminal antecedent under the Bihar Prohibition and Excise Act, 2016 in which he is said to be on bail.



As per the prosecution story, the informant's father was sleeping after taking dinner, this petitioner is said to have come at the door of the informant and started abusing him and took him away to the old homestead land. The informant claimed that he followed the petitioner and saw that the petitioner was stabbing his father with a knife on left side of the rib and when her mother came for rescue, she was also assaulted with lathi and belt.

Learned Senior Counsel for the petitioner submits that the entire allegation against the petitioner is false and flimsy. The informant is not an eye-witness and has falsely claimed himself an eye-witness to the alleged occurrence. It is further pointed out that in fact it was the petitioner and his mother who were assaulted and this would be evident from the Medical Examination Report of the Prathmik Shwashtth Kendra, Andhra Tharhi (Madhubani) which has been brought on record as Annexures '2' and '2T/C' showing that the petitioner has suffered 3 cm long lacerated wound on occipital region and he was suffering from pain and swelling of right forearm.

It is further submitted that the most unfortunate part of this case is that the injured who is said to be the father of the informant has not been examined by the I.O. and without his



examination chargesheet has been filed.

In the supplementary affidavit, it is further submitted that the mother of the petitioner is working in a court at New Delhi and she occasionally comes to the village. The informant's family are agnates of the petitioner and there is a land dispute for which the alleged incident took place. There is neither any motive nor any pre-mediation of mind on the part of the petitioner.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but does not dispute the averments in the supplementary affidavit and the injury report of the petitioner and his mother enclosed with the supplementary affidavit, further learned APP admits that the injured who is the father of the informant has not been examined by the I.O. This statement has been made after looking into the case diary by learned APP.

Having regard to the kind of materials placed before this Court as mentioned hereinabove and taking note of the submissions that in this case both the parties are agnates, there is a land dispute, the injured father of the informant has not been examined by the I.O. and the petitioner and his mother have suffered injuries in the alleged occurrence, further that the



petitioner has remained in custody for 13 months, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., 2nd Jhunjharpur, District-Madhubani in connection with Rudrapur P.S. Case No. 109 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The 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'.

