

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18396 of 2021

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

1. RAGHUNATH MANDAL SON OF HARISHCHANDRA MANDAL
Resident of Village - Sonbarsa, P.S.- Bathnaha, Dist.- Sitamarhi.
2. RAMBAHADUR MANDAL SON OF RAJENDRA MANDAL Resident of
Village - Sonbarsa, P.S.- Bathnaha, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Vaishnavi Singh, Adv.

For the Opposite Party/s : Mr.Dilip Kr.No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-07-2021 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, office will place the matter before the Bench.

The petitioners seek bail in connection with Bathnaha P.S. Case No.164 of 2020 registered for the offence punishable under Sections 341, 323, 324, 307, 302/34 of the IPC.

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.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have not committed any offence as alleged in the FIR. No offence as alleged has ever took place. They have been falsely implicated in this case due to enmity. No incriminating article has been recovered from the conscious physical possession of the petitioners. There is general and omnibus allegation against the petitioners. There is no specific allegation as to what weapons the petitioners were carrying. The so called fight allegedly took place between the



villagers of two villages. Learned counsel submits that several similarly situated co-accused persons have been granted bail vide Cr. Misc. No.12121 of 2021 dated 25.06.2021 by a co-ordinate Bench of this Court. The petitioners have no criminal antecedent and have been languishing in custody since 04.12.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, since there is no specific allegation against the petitioners and that similarly situated co-accused persons have been granted bail, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi, in connection with Bathnaha P.S. Case No.164 of 2020.

(Anjani Kumar Sharan, J)

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