

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28438 of 2021

Arising Out of PS. Case No.-220 Year-2020 Thana- KAHALGAON District- Bhagalpur

HARIDWAR MANDAL, Son of Ramchandra Mandal, Resident of village -
Sahpur, P.S. - Ghogha, District - Bhagalpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Apurva Kumar, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-10-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Md. Fahimuddin, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Kahalgaon (Ghogha) P.S. Case No. 220 of 2020 (G.R. No. 1307/2020) registered for the offences punishable under Section 341, 323, 307, 504, 506 and 447 of the Indian Penal Code. He is in custody since 08.10.2020 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant alleged that on 24.03.2020 he had gone at the place of one Ajay Kumar Sah to meet him but he was not available at his house, so he was waiting for him, in the meantime, one Haridwar Mandal came there and



started abusing him and assaulted him with the hammer on his head, thereafter one Ramnath Yadav came there to rescue the informant and took him to the doctor, thereafter he was sent to City Hospital for further treatment.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case on mere suspicion. Learned counsel submits that the date of occurrence is 24.03.2020 but the F.I.R. has been lodged on 27.03.2020, the injury report issued by a private hospital which is false and fabricated and the petitioner is in custody since 08.10.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein learned counsel for the petitioner has shown that the alleged occurrence took place on 24.03.2020 but the same was reported to the Police Station only on 27.03.2020, further that the injury report has been prepared by one private hospital namely City Hospital (Annexure '2') which is in the nature of a certificate only and the said certificate is highly doubtful because it is prepared on 22.04.2020 and the date of discharge of the patient has been shown therein on 25.04.2020 which is not possible, the nature of injury is said to be grievous but no specific injury has been reported in the said certificate, further the petitioner has



remained in custody in connection with this case for over one year and his further incarceration is not likely to come in aid of investigation or help the prosecution, the petitioner has otherwise no criminal antecedent, this Court, therefore, directs release of the petitioner above-named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon (Ghogha) P.S. Case No. 220 of 2020 (G.R. No. 1307/2020), subject to the condition 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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

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'.

