

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31022 of 2021

Arising Out of PS. Case No.-420 Year-2020 Thana- AMARPUR District- Banka

1. Kamleshwari Mandal @ Kameshwar Mandal Son Of Late Ganpati Mandal Resident Of Village- Gangapur Garhail, P.S. Amarpur, District-Banka
2. Birendra Mandal @ Kuha Son Of Kamleshwari Mandal @ Kameshwar Mandal Resident Of Village- Gangapur Garhail, P.S. Amarpur, District-Banka
3. Dildar Mandal Son Of Kamleshwari Mandal @ Kameshwar Mandal Resident Of Village- Gangapur Garhail, P.S. Amarpur, District-Banka
4. Kapil Mandal Son Of Jattu Mandal Resident Of Village- Gangapur Garhail, P.S. Amarpur, District-Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manohar Prasad Singh, Adv.
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-12-2021 Heard.

The petitioners seek regular bail in connection with Amarpur P.S. Case No. 420 of 2020 for the offence punishable under Sections 147, 148, 149, 341, 323, 302, 307, 504 and 506 of the Indian Penal Code.

The allegation, as per the First Information Report is that petitioners along with other accused persons assaulted the father of the informant by fist and slap. It has further been alleged that another co-accused person namely, Saurabh Kumar, had assaulted the father of the informant by means of axe on his



head, due to which he died.

Learned counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and referring to the FIR, he submits that even from perusal of the same, it would be evident that petitioners are not the main assailant and the father of the informant was assaulted by another co-accused, Saurabh Kumar, which led to his death. Learned counsel further submits that petitioners No. 2 and 4 are in custody since 09.12.2020, whereas petitioners no. 1,3 and 5 are in custody since 06.01.2021 and altogether 14 accused persons have been made accused in this case. The learned counsel for the petitioners has further submitted that the main accused Saurav Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 04.10.2021 passed in Cr. Rev. No. 343 of 2021. It is also submitted that similarly situated other accused persons have also been granted bail by a co-ordinate Bench of this Court vide order dated 22.03.2021 passed in Cr. Misc. No. 3998 of 2021.

Per contra, Ms. Anita Kumari Singh, the learned APP appearing for the State has vehemently opposed the prayer for regular bail, made by the petitioner.

Having regard to the facts and circumstances of the



case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the parity of the case of the petitioners with that of the co-accused persons, who have been granted bail by co-ordinate Benches of this Court, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the petitioners, above named, are directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka in connection with Amarpur P.S. Case No. 420 of 2020.

(Mohit Kumar Shah, J)

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