

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.254 of 2021**

Arising Out of PS. Case No.-149 Year-2020 Thana- RAJAON District- Banka

1. BHAGIRATH MANDAL, Son of Sahab Mandal, Resident of Village- Chakjabay, P.S.- Rajoun and District- Banka.
2. Ritam Mandal, Son of Sahab Mandal, Resident of Village- Chakjabay, P.S.- Rajoun and District- Banka.
3. Goutam Mandal, Son of Sahab Mandal, Resident of Village- Chakjabay, P.S.- Rajoun and District- Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pallavi Pandey, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, A.P.P.

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

6 06-07-2021 Learned counsel for the petitioners 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 petitioners and Mr. Md. Fahimuddin, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Rajoun P.S. Case No. 149 of 2020 registered for the offence under Section 302/34 of the Indian Penal Code.

The prosecution case in short is that on 12.05.2020 at about 18.30 hours the wife of petitioner no. 1 hide herself in the house of the informant out of fear of her husband but petitionere



no. 1 came and took his wife to his house by assaulting. It is further alleged that thereafter these petitioners and one another co-accused came to the house of the informant having lathi, danda, rod and assaulted the brother of the informant. It is further alleged that while the mother of the informant intervened all the accused persons brutally assaulted her due to which she died at the spot.

Learned counsel for the petitioners submits that these petitioners have been falsely implicated in the present case and there is a general and omnibus allegation of causing assault by all the accused persons upon one Tulsi Mandal but no injury has been caused to the said Tulshi Mandal. It is submitted that the petitioners have got no criminal antecedent and they have remained in jail in connection with the present case for over one year.

Mr. Md. Fahimuddin, learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that these petitioners have been falsely implicated in the present cases, there is a general and omnibus allegation of causing assault by all the accused persons upon one Tulsi



Mandal but no injury has been caused to the said Tulshi Mandal and so far as the mother of the informant is concerned she is said to have received four injuries in the right side of her forearm which have been attributed to the co-accused, this Court having noticed that the allegations are general and omnibus, the petitioners have got no criminal antecedent and they have been remained in jail in connection with the present cases for over one year, investigation against them is complete but the trial is not likely to be concluded in near future, this Court directs release of the petitioners above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Rajoun P.S. Case No. 149 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person



acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)

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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'.

