

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4325 of 2021

Arising Out of PS. Case No.-69 Year-2020 Thana- BASANHI District- Saharsa

Jawahar Mandal aged about 50 years, Son Of Late Nunulal Mandal Resident
Of Village - Mokama Tola Suthaniya, P.S. - Basanahi, District - Saharsa
(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar 1

For the Opposite Party/s : Mr.Shyam Kr. Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 21-06-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Basanahi P.S. Case No. 69 of 2020, registered for the offence under Section 307 & other allied sections of the Indian Penal Code and Sections 25(1-b)a, 26, 35 and 27 of the Arms Act.

As per the prosecution case, the petitioner is alleged to be order giver and later on, he is alleged to have assaulted the informant by fists and slaps.

It is submitted on behalf of petitioner that due to land dispute between the parties, the petitioner has been falsely implicated in this case. It is further submitted that though, the alleged occurrence has taken place on 13.07.2020, but the F.I.R. has been lodged belatedly on 16.07.2020 without there being



any explanation for delay. The petitioner is in custody since 17.07.2020. Investigation is complete.

Learned A.P.P. for the State has opposed the bail petition.

Considering the rival submissions of the parties and the materials available on record and delay in lodging the F.I.R., the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Saharsa in connection with Basanahi P.S. Case No. 69 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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