

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.474 of 2021**

Arising Out of PS. Case No.-136 Year-2020 Thana - KHARIK District- Bhagalpur

1. Lukho Mandal S/o Late Jantri Mandal R/o village- Sungthiya, P.S.- Kharik, District- Bhagalpur
2. Madan Mandal S/o Gopal Mandal R/o village- Sungthiya, P.S.- Kharik, District- Bhagalpur
3. Arbind Mnadal S/o Lukho Mandal R/o village- Sungthiya, P.S.- Kharik, District- Bhagalpur
4. Indradeo Kumar S/o Lukho Mandal R/o village- Sungthiya, P.S.- Kharik, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                     |   |                           |
|---------------------|---|---------------------------|
| For the Petitioners | : | Mr.Ranjan Kumar Jha, Adv. |
| For the State       | : | Ms Renuka Ratnakar, APP   |

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      05-03-2021      Heard learned counsel for the petitioner and the learned APP for the State.

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so.

The petitioner seeks bail in Kharik PS Case No 136 of 2020 instituted for the offence under Sections 147, 148, 149, 341, 323, 302, 504 and 506 of the Indian Penal Code.

The prosecution case is that there is a subsisting dispute regarding the passage and the accused persons were blocking the way of the informant. The father of the informant has objected to the same when he has been assaulted by co-accused persons, namely, Chhatri Mandal, Gopal Mandal and petitioner



No.2, namely Madan Mandal. The father of the informant succumbed to the injuries and when the informant and his brother has come to take away his father they too have been assaulted by petitioner Nos 1, 3 and 4, namely, Lukho Mandal, Arbind Mandal and Indradeo Kumar.

It is submitted by the petitioners' counsel that even as per prosecution case specific assault upon the deceased is attributed against the petitioner No 2, namely, Madan Mandal along with other two co-accused persons and against petitioner Nos 1, 3 and 4 there is no such allegation. The petitioners have been implicated based on subsisting dispute for passage which stands admitted in the prosecution case. There is no injury alleged in respect of the informant and his brother. They are having a clean antecedents and are in custody since 25.09.2020.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, and the fact that specific assault upon the deceased is alleged against petitioner No 2, namely, Madan Mandal, this Court, for the present, is not inclined to extend him the privilege of bail.

Accordingly, the prayer for bail made on behalf of petitioner No-2, namely, Madan Mandal stands rejected.

So far as the petitioner Nos 1,3, and 4, namely, Lukho Mandal, Arbind Mandal and Indradeo Kumar are concerned, this Court is inclined to grant them the privilege of bail. Let the petitioner Nos. 1,3 and 4, named above, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1<sup>st</sup>, Naugachia, Dist. Bhagalpur, in connection with Kharik PS Case No 136 of



2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

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