

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2257 of 2021

Arising Out of PS. Case No.-180 Year-2020 Thana- JAYNAGAR District- Madhubani

1. Shanti Devi, Wife of Late Bechan Mandal, Resident of Village - Jaynagar Rajputana Tola, P.S.- Jaynagar, District - Madhubani (Bihar).
2. **Mukesh Mandal**, Son of Late Bechan Mandal, Resident of Village - Jaynagar Rajputana Tola, P.S.- Jaynagar, District - Madhubani (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Dr. Mrityunjaya Kr. Gautam, Advocate
For the State	:	Mr. Narsingh Tanti, APP
For the Informant	:	Miss Kusum Rani, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 19-07-2021 This matter has been taken up today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioners and the learned counsel for the informant as well as the learned APP for the State.

At the outset, learned counsel for the petitioners submits that Petitioner No.1, namely, Shanti Devi, has already been granted bail vide earlier order dated 02.06.2021.



Petitioner No.2-Mukesh Mandal seek bail in connection with Jaynagar P.S. Case No.180 of 2020 corresponding to C.R.I. No.945/2020 instituted for the offence punishable under Section 302/34 of the Indian Penal Code.

There is an allegation that the while the informant was undertaking some repairing work, objection was raised by the petitioners' side, whereafter co-accused Santosh Mandal has seriously injured the informant's father on the order of the petitioner No.2. The victim has succumbed to injuries.

Counsel for the petitioners submits that even as per the prosecution case, the petitioner No.2 is not the author of the alleged injury. The occurrence has occurred at the spur of the moment, based on pre-existing dispute between the parties, who are agnates and next door neighbours. It is further submitted that the informant was trying to grab the petitioners' property and the same was objected by the petitioners' side. Having no criminal antecedents, Petitioner No.2 is in custody since 13.06.2020.

Learned APP for the State has opposed the prayer for bail. Learned counsel for the informant has also opposed the prayer. It is submitted that the injury report supports the allegation of assault by co-accused Santosh Mandal. Petitioner



No.2 is stated to be an order giver.

Considering the rival submissions, the prayer for bail in respect of Petitioner No.2-Mukesh Mandal is allowed.

Accordingly, let Petitioner No.2, namely, Mukesh Mandal, 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 the learned S.D.J.M., Madhubani (Bihar), in connection with Jaynagar P.S. Case No.180 of 2020 corresponding to C.R.I. No.945/2020, subject to the following conditions:

(i) That one of the bailors of petitioner no.2 will be a close relative of the petitioner no.2 who will give an affidavit giving genealogy as to how he is related with the said petitioner. The bailor will also undertake to inform the court if there is any change in the address of the said petitioner.

(ii) That the petitioner no.2 will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

PNM

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

