

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7426 of 2021

Arising Out of PS. Case No.-53 Year-2020 Thana- FALKA District- Katihar

Chandan Mandal, S/O Late Ramu Mandal @ Ram Mandal, R/O Village-
Bhangha, P.S-Falka (Pothiya), District-Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suresh Prasad Sah, Advocate

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 05-07-2021 The 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 petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Falka
(Pothiya) P.S. Case No.53 of 2020 (G.R. No.733/20) registered
for the offence punishable under Sections 341, 323, 307, 379,
504, 506/34 of the I.P.C.

Since 11.10.2020, the petitioner is stated to be in
custody.



Petitioner's counsel submits that the occurrence has taken place based on a land dispute between the parties. In fact, a free fight has taken place and both sides have sustained injuries. Annexure 4 series are the prescriptions which show injuries sustained by the petitioner's side. The petitioner's side has also lodged F.I.R., bearing Falka (Pothiya) P.S. Case No.51 of 2020. Petitioner has no criminal antecedents. There is no intention of killing from either side as the scuffle has taken place in a surcharged atmosphere.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, 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 C.J.M., Katihar, in connection with Falka (Pothiya) P.S. Case No.53 of 2020 (G.R. No.733/20), subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner.



The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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