

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6493 of 2022

Arising Out of PS. Case No.-24 Year-2021 Thana- BASANHI District- Saharsa

Ranjan Mandal @ Ranjan Kumar @ Ranjay Mandal @ Ranjay Kumar, S/o
Late Virendra Mandal, Resident of Village- Narhaiya, P.S.- Basnahi, District-
Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Advocate
Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 20-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Basnahi P.S. Case No. 24 of 2021 registered for the alleged offences under Sections 307, 324, 323, 354, 341, 427, 448, 504, 506, 147 and 149 of the Indian Penal Code and later on Section 302 IPC was added.

The prosecution case is that on account of some land dispute, the petitioner along with other co-accused persons assaulted the informant and his family members causing a



number of injuries to them and mother of the informant died during her treatment, as a result of this assault.

The learned counsel for the petitioner submits that two fardbeyan for the same occurrence have been recorded on two different dates and in both the fardbeyuan, the informant has stated different facts of case. In the first fardbeyan, the informant specifically stated that co-accused Surjit Mandal hit on the head of his mother and others assaulted her with *lathi* and *danda*, but later he changed his version and stated about an injury by *Garansa* on head of his mother by this petitioner. This shows the falsity of allegation. Post mortem report shows death was caused due to Cranio-cerebral damage consequent upon head injury and the same was caused by the hard and blunt object and its free impact. Moreover, the allegations are merely general and omnibus. Other co-accused persons facing similar allegations have been granted bail by a Co-ordinate Bench vide order dated 05.04.2022 passed in Cr. Misc. No. 57401 of 2021 and order dated 08.04.2022 passed in Cr. Misc. No. 58262 of 2021, respectively. This petitioner is in custody since 26.08.2021 and charge-sheet has been submitted in this case and he is having clean antecedent.

Learned APP opposes the prayer for bail submitting



that there is specific allegation against this petitioner for giving *Garansa* blow on the mother of the informant.

Having regard to the submissions made hereinabove and considering the fact that there is contradiction in the statement of informant with regard to this petitioner and further considering the fact that similarly placed co-accused persons have been granted bail by a Co-ordinate Bench and further considering the period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Saharsa in connection with Basnahi P.S. Case No. 24 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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