

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9199 of 2022

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

1. Sanjay Mandal @ Sanjay Kumar, S/O Mahendra Mandal
 2. Vijay Mandal @ Vijay Kumar, S/O Mahendra Mandal
 3. Baban Mandal @ Baban Kumar, S/O Dharendra Mandal
- All are residents 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. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-09-2022 Heard learned senior counsel for the petitioners 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 petitioners seek 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 petitioners 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 senior counsel for the petitioners 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 the co-accused Ranjan Mandal. 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. The petitioners are in custody since 26.08.2021 and charge-sheet has been submitted in this case. The petitioners are having clean antecedent.



Learned APP opposes the prayer for bail submitting that the petitioners 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.

Having regard to the submissions made hereinabove and considering the fact that there is contradiction in the statement of informant with regard to the petitioners 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 their custody, the petitioners above named are directed to be released on bail on furnishing bail bondd of Rs. 20,000/- (twenty thousand) each 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 petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates



or in violation of the terms of the bail, the bail
bond of the petitioners will be liable to be
cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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