

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19009 of 2022**

Arising Out of PS. Case No.-260 Year-2020 Thana- MURLIGANJ District- Madhepura

Rajeshwar Mandal Son Of Late Anand Mandal Resident Of Vill- Pratapnagar,
Ward No.-14, P.S- Murliganj, Dist- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Adv.

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 28-07-2022 Heard Mr. Uday Chand Prasad learned counsel for the
petitioner and learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Murliganj P.S. Case No.260 of 2020 instituted under
Sections 341, 323, 324, 325, 307, 379, 302/34 of the Indian
Penal Code.

The allegation in the FIR is that all the named accused
persons assaulted the husband and son of the petitioner as also
the informant's daughter-in-law causing injuries to them. The
specific allegation has been made against Jai Krishna Mandal
that he gave '*farsa*' blow on the head of the informant's



husband. Further allegation is against Subhash and Tarani is of hitting the informant's husband as also her son. Subsequently, the husband of the informant was referred to Madhepura and considering the seriousness of the injuries he was firstly shifted to Darbhanga and later to the Patna Medical College but he succumbed to his injuries on way to Patna.

Learned counsel for the petitioner submits that specific allegation is against Jai Krishna Mandal of giving '*farsa*' blow on the head of the deceased. So far as this petitioner is concerned, he submits that omnibus allegation of assault has been attributed to him. It has further been submitted that he is in custody since 27.06.2021 (as stated in para-14 of the bail application) and the last submission is that some of the accused persons namely Baiju Mandal, Gholat Mandal and Surendra Mandal have since been released on bail by co-ordinate Benches of this Court vide Cr. Misc. No.54191 of 2021, Cr. Misc. No.40391 of 2021 and Cr. Misc. No.10762 of 2021.

Taking into account that omnibus allegation against the petitioner of assault has been alleged in the FIR, specific allegation is against Jai Krishna Mandal, Subhash Mandal and Tarani Mandal as also the fact that charge-sheet has been



submitted, he is in jail since 27.06.2021 and some of the accused persons have been released on bail, this Court is inclined to grant him privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Murliganj P.S. Case No.260 of 2020 to the satisfaction of learned Additional Chief Judicial Magistrate, Madhepura, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for



cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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

