

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16765 of 2022

Arising Out of PS. Case No.-110 Year-2020 Thana- INDUSTRIAL District- Bhagalpur

SUNIL MANDAL @ SUNIL KUMAR MANDAL Son of Kishor Mandal
Resident of Rajandipur, P.S.- Sabour, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madan Mohan, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-07-2022 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sessions Trial No. 26 of 2021 arising out of Industrial P.S. Case No. 110 of 2020 registered for the offence under Sections 457, 380, 341, 323, 307, 337 and 34 of the Indian Penal Code.

The informant is said to have been beaten by the petitioner and others by way of lathi, stick and rod, as a result of which he sustained severe injury.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that according to the FIR, altogether three persons have been named and 3 to 4 persons are said to be unknown with the allegation of assault upon the



informant. He further submits that there is general and omnibus allegation against the petitioner and no specific allegation of assault or any overt act is attributed to the petitioner. He further submits that there is no eye witness to the alleged occurrence. He further submits that similarly situated co-accused namely Vikas Manchu has already been granted bail by the learned court below itself. He further submits that the injury report does not support the allegation against the petitioner, as alleged in the FIR, and the police after investigation submitted charge-sheet against the petitioner. The petitioner is rotting in judicial custody since 04.10.2020.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is having three more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Court below where the case is pending in connection with Sessions Trial Case No. 26 of 2021 arising out of Industrial P.S. Case No. 110 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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