

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17137 of 2022

Arising Out of PS. Case No.-215 Year-2020 Thana- AMDABAD District- Katihar

=====

PRADEEP MANDAL @ PRADEEP KUMAR MANDAL Son of Late Hari
Mandal Resident of Village - Chharramari, P.s.- Amdabad, Distt.- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Suresh Prasad Sah @ Baranwal
For the Opposite Party/s : Mr. Nagendra Prasad

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 13-04-2022 Heard learned counsel for the parties.

The petitioner has renewed his prayer for bail in a case registered under section 307 and other sections of the Indian Penal Code.

As per the prosecution case, the petitioner is said to have given a farsa blow on the head of the father-in-law of the informant.

It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected vide order dated 17.11.2021 passed in Cr. Misc. no. 18116 of 2021 directing the learned trial Court to expedite the trial. On merits it is submitted that the injury report does not support the allegations levelled in the FIR in so far as against the allegation of the petitioner having given a farsa blow, no sharp cut injury



was found on Kishun Mandal instead in the opinion of the doctor the injury was caused by hard and blunt object. It is further submitted that of the three prosecution witnesses examined, P.W-2 and P.W-3 have turned hostile while P.W-1 besides making allegation of the petitioner having assaulted has also made allegations of other accused persons also assaulting Kishun Mandal with iron rod etc. This is also not supported from the contents of the injury report. The petitioner is in custody since 12.11.2020, has no criminal antecedent and undertakes to cooperate in the trial.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the submissions made on behalf of the petitioner, the period in custody and the progress in the learned trial Court, the Court directs the petitioner to be enlarged on bail in connection with Amdabad P.S. Case no. 215 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge V-Katihar subject to the following conditions :

- (i) One of the bailors of the petitioner shall be a close relative of the petitioner.



(ii) The other bailor of the petitioner shall be resident of a place within the jurisdiction of the learned trial Court.

(iii) The petitioner shall remain physically present in Court on each date of the trial.

In case of violation of any of the conditions laid above or in case the petitioner is not cooperating in the trial, the learned Trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

Prakash/-

U			
---	--	--	--

