

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22802 of 2022

Arising Out of PS. Case No.-36 Year-2021 Thana- EKCHARI District- Bhagalpur

Babu Lal Mandal Son Of Late Baijnath Mandal Resident Of Village -
Khawaspur, P.S- Ekchari, Dist- Bhagalpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur
	:	Mr. Ritwik Thakur
	:	Ms. Vaishnavi Singh
For the Informant	:	Mr. Ashok Kumar Mishra
For the Opposite Party/s	:	Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 17-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

The petitioner seeks regular bail in connection with
Ekchari P.S. Case No. 36 of 2021 lodged under Sections 147,
149, 341, 323, 307 and 302 of the Indian Penal Code.

As per the prosecution case, 9 persons including the
petitioner has visited on specified particular piece of land and
started *lathi* blow, as a result, one persons was died on spot and
another person was badly injured who subsequently died.

Learned counsel for the petitioner submits that from



the entire F.I.R., there is nothing specific against the present petitioner. He submits that both the informant and the accused parties are agnates and there is a long pending land disputes between them. He further submits that there is 107 proceedings and 144 proceedings as well as disputes before the Circle Officer. He further submits that petitioner is aged about 70 years and as per F.I.R., there is no allegation of any specific act or overt act upon the present petitioner. He further submits that petitioner is in custody since 14.10.2021, charge sheet has already been filed in this case

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposed the prayer for bail and submits that charge has already been framed and prosecution witness have started adducing their witnesses. According to him, witness of two PW's had already been taken place. He further submits that it is a case of two murders at the end of the accused persons and since trial has commenced, bail may not be granted.

In the present facts and circumstances of this case and the submissions made above, particularly considering the age of the petitioner i.e. 70 years, let the petitioner above named, be



granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Bhagalpur in connection with Ekchari P.S. Case No.36 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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