

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34578 of 2021

Arising Out of PS. Case No.-282 Year-2017 Thana- PHULPARAS District- Madhubani

Baidhyanand Mandal @ Bidhyanand Kumar Mandal @ Vidyanand Mandal
Son of Late Mahendra Mandal Resident of Village- Garba, P.S.- Phulpras,
District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vikram Deo Singh, Adv
	:	Mr.Ravi Prakash,Adv
For the Informant	:	Mr. Anant Kumar Mishra, Adv
For the Opposite Party/s	:	Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-02-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State in
virtual Court proceeding.

The petitioner seeks bail in connection with Phulpras
P.S.Case No.282 of 2017 registered for the offence under
Sections 147,148,149,341,323,302,120(B) of the Indian Penal
Code.

The prosecution case, in short, is that the FIR was
lodged against 11 named accused persons including petitioners
and five unknown persons. Allegation against petitioner is of
assaulting the brother of informant by means of lathi, danda,
racket, rod and stick, as a result of which, brother of the
informant died during course of treatment.



Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR that there is no specific allegation against the petitioner. He further submits that there is general and omnibus allegation against all the accused persons. He further submits that co-accused, namely, Kusheshwar Mandal and Budheshwar Mandal have been granted bail vide order dated 19.11.2018 in Cr. Misc. No.38128 of 2018, co-accused, namely, Domi Mandal has been granted bail vide order dated 02.01.2019 in Cr. Misc. No.77113 of 2018 and co-accused, namely, Laloo Kumar Singh @ Laloo Singh and Vikash Kumar @ Vikash Singh have been granted privilege of anticipatory bail vide order dated 06.11.2020 in Cr. Misc. No.26679 of 2020 by different Coordinate Benches of this Hon'ble Court and the petitioner is in custody since 23.11.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, 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 Additional



Chief Judicial Magistrate-II, Jhanjharpur, Madhubani in connection with Phulpras P.S.Case No.282 of 2017 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 cancelled 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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