

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25568 of 2022

Arising Out of PS. Case No.-324 Year-2021 Thana- SHAHKUND District- Bhagalpur

1. Yaspal Mandal @ Jaspal Kumar @ Jaspal Mandal Son Of Satish Mandal @ Satish Prasad Singh R/O Village- Kamalpur, P.S.- Sahkund (SAJOUR), District- Bhagalpur
2. Chandan Mandal @ Chandan Kumar Singh Son Of Satish Mandal @ Satish Prasad Singh R/O Village- Kamalpur, P.S.- Sahkund (SAJOUR), District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Mr.Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 15-12-2022 Heard learned counsel for the petitioners and learned
APP for the State.

In the present case, the petitioners seek bail in connection with Shahkund (Sajour) P.S. Case No. 324 of 2021 registered for the alleged offences under Sections 341, 504, 323, 325, 307, 354 and 34 of the Indian Penal Code.

As per prosecution case, altercation took place between the informant and petitioner no. 2 and thereafter petitioner no. 1, petitioner no. 2 and co-accused Satish Mandal, variously armed, hurled abuses on the informant and started assaulting him. The informant received injuries on his head and other parts of the body. Further allegation against the co-accused



is that he tried to outrage the modesty of the wife of the informant and they also assaulted the son of the informant.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. For an occurrence dated 04.11.2021 the FIR has been registered on 01.12.2021 and there is no explanation for this inordinate delay. Learned counsel further submits that there is no application of Section 307 of the I.P.C. in this case as the nature of injuries are not of such kind as to make the invocation of Section 307 of I.P.C. proper. Learned counsel further submits that the injuries of fracture of hand and on the head does not show any serious injury. The allegations against the petitioners are of causing these injuries only and there is no allegation against the petitioner for outraging the modesty of the wife of the informant. The wife of the petitioner no. 2 has filed a complaint case bearing no. 1739 of 2021 against the informant side and in order to save his skin informant has falsely dragged the petitioner in this case. The petitioners are in custody since 28.01.2022 and charge-sheet has been submitted. The petitioners have got no criminal antecedent.

Learned APP opposes the prayer for bail submitting that there is specific allegation against these petitioners for



assaulting the informant and they caused grievous injuries to the informant. Learned APP further submits that the fardbeyan of the informant was recorded on 14.11.2021 and there was delay in sending it to the police station by the officials.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation against the petitioners coupled with the period of custody of the petitioners along with submission of charge-sheet against them, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IIInd, Bhagalpur in connection with Shahkund (Sajour) P.S. Case No. 324 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the person, who has sworn the affidavit in the case.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail



bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

himanshu/-

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

