

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39859 of 2021

Arising Out of PS. Case No.-214 Year-2020 Thana- SABAUR District- Bhagalpur

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DHAMENDRA KUMAR Son of Late Jaiprakash Mandal Resident of
Village- Amdar, P.S.- Sabour, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Jha, Adv.
For the State	:	Mr. Nawal Kishore Prasad, APP
For the Informant	:	Mr. Ram Kinker Choubey, Adv.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 20-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under section 307 and other sections of the Indian Penal Code and sections 25(1-B)(a) and 26 of the Arms Act.

As per the prosecution case, it is stated that the accused persons came variously armed. Manikant Mandal is stated to have assaulted his brother Arun Mandal as also the wife of Arun Mandal with a sword seriously injuring them. On others reaching at the place of occurrence, it is stated that the accused persons ran away.

It is submitted by learned counsel for the petitioner



that the petitioner is not named in the F.I.R. Referring to the order of the learned trial court, it is submitted that the name of the petitioner transpired in course of investigation when one of the witnesses whose statement has been recorded in paragraph no.30 of the case diary stated that the petitioner was also amongst the accused who were seen running away. The petitioner is in custody since 24.10.2020 and has no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that it is a case of brutal assault in which the accused persons including the petitioner herein brutally assaulted his brother and his brother's wife leading to serious multiple injuries on both of them.

Having heard learned counsel for the parties and taking into consideration the contents of the F.I.R, the material that has transpired in course of investigation as mentioned in the order of the learned trial court together with the petitioner having remained in custody for more than 1 year, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no.24 of 2021 (arising out of Sabour P.S. Case no.214 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 9th Additional District and Sessions Judge, Bhagalpur.

In view of the trial having commenced, it is directed that the petitioner shall cooperate in the trial and in case the trial court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, 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)

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