

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32916 of 2022

Arising Out of PS. Case No.-303 Year-2021 Thana- RAGHOPUR District- Supaul

Shivram Mandal, Son of Late Jagat Mandal Resident of Village - Raghopur,
Ward No. - 5, Police Station- Raghopur, District - Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun, Advocate.

For the Opposite Party/s : Mr.Satya Nand Shukla, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 06-09-2022 Heard Mr. Arun, learned counsel appearing on behalf
of the petitioner and Mr. Satya Nand Shukla, learned A.P.P. for
the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Raghopur P.S. Case No. 303 of 2021, for the offence punishable
under Sections 341, 323, 324, 307, 354(A), 379, 504 and 506/34
of the Indian Penal Code.

The prosecution case, in brief, is that all of a sudden
accused persons named in the F.I.R including the petitioner
started abusing the informant and his family members. In the
said act, both side started fighting and due to sudden
provocation, it is alleged that the son of the informant was



assaulted by Sunil Mandal by *Farsa* on head and he fell down on ground and then the petitioner had assaulted him with lathi on his body.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has clean antecedent. The petitioner and the informant are neighbour and due to some abusive language used by both the parties they indulged in assaulting each other in which case and counter case has been lodged by the parties. The specific allegation against the petitioner is that one Sunil Mandal assaulted the son of the informant with *Farsa* blow on head without any intention to kill him and on the spur of the moment, to which the son of the informant fell down on the ground and thereafter the petitioner had assaulted the victim with lathi. He specifically stated that there is no injury on the body and draws the attention of this Court to Annexure-2 from which it appears that no injury has been caused on any other parts of the body except on the head which is simple in nature and the said injury is attributable to co-accused Sunil Mandal. The allegation made in the F.I.R is not substantiated by the medical report furnished by the doctor. The petitioner has remained in custody since 09.02.2022. Chargesheet has already been submitted.



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

Considering the fact that both the parties engaged in altercation which took ugly fight between the parties in which the son of the informant sustained injury on the head, which is not attributed to the petitioner. No injury has been found on the body of the son of the informant, whereas the allegation against the petitioner is that he had assaulted the son of the informant by Lathi on his body. There is case and counter case between the parties and it appears that due to sudden provocation and out of spur of the moment, both the parties engaged into ugly fight and in his self defence allegedly the petitioner had also assaulted one Manish Kumar whose injury is also simple in nature. The injury report is Annexure-2 series.

Considering the aforementioned facts and circumstances of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M, Birpur, Supaul in connection with Raghapur P.S. Case No. 303 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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