

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38806 of 2022

Arising Out of PS. Case No.-268 Year-2020 Thana- JAMUI District- Jamui

Chand Mandal Son of Dasho Mandal Resident of Village- Manjhwey, P.S-
Jamui, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1, Advocate
For the Opposite Party/s : Mr.Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 30-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Jamui
P.S. Case No. 268 of 2020 registered for the offence under
Sections 147,149,323,324,307,337 and 504 of the Indian Penal
Code and later on section 302 of the Indian Penal code has been
added in the First Information Report.

The accused/petitioner is named in the F.I.R. and is in
custody since 22.02.2022.

The allegation against the petitioner is to commit the
murder of nephew of informant for neighbourhood dispute and



differences.

Learned counsel appearing on behalf of the petitioner submitted that maximum allegation against this petitioner is to be part of mob only, where specific allegation is available against co-accused, Rama Mandal. It is further submitted that occurrence is of free fight in nature and, as such, intention to cause death cannot be gathered under given facts and circumstances. It is further submitted that a counter case for same set of occurrence was also lodged by co-accused, Rama Mandal. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation against this petitioner is to part of mob only, where specific allegation of assault is available against co-accused, Rama Mandal, coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Jamui P.S. Case No. 268 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 learned Chief Judicial Magistrate, Jamui/concerned Court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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