

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47594 of 2021**

Arising Out of PS. Case No.-28 Year-2020 Thana- INDUSTRIAL District- Bhagalpur

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GARIB DAS MANDAL @ GARIB DAS Son of Chetan Mandal @
Chertnarayan Mandal Resident of Village - Mirachak, P.S.- Industrial area,
Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 18-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner seeks regular bail in connection with
Industrial P.S. Case No. 28 of 2020 for the offence punishable
under Sections 147, 148, 149, 341, 323, 307, 379, 504 and 506
of the Indian Penal Code. Later on Section 302 IPC was added.

The prosecution story, in brief, is that while the
informant reached at the place of occurrence, the accused
persons surrounded him and started assaulting him due to which
he sustained injuries and later succumbed to the injuries during



treatment.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 29.01.2021 and has got no criminal antecedent. There is no specific allegation against the petitioner of assaulting the informant by any sharp cutting weapon. The allegation levelled against the petitioner is general and omnibus. There is no allegation of tampering with the evidence or influencing the witnesses against the petitioner. Charge sheet has been submitted in the present case. Co-accused Ram Briksha Mandal against whom there is allegation of assaulting the deceased by bhala has been granted bail by a co-ordinate Bench of this Court vide order dated 06.01.2021 passed in Cr. Misc. No. 29883 of 2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner submitting that the petitioner is named in the F.I.R.

Considering the aforementioned facts and circumstances of the case, period of custody of the petitioner, there is no allegation of tampering with the evidence or influencing the witnesses and co-accused Ram Briksha Mandal against whom there is allegation of assaulting the deceased by bhala has been granted bail by a co-ordinate Bench of this



Court, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Bhagalpur in connection with Industrial P.S. Case No. 28 of 2020, 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.

(Purnendu Singh, J)

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