

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 40587 of 2022

Arising Out of PS. Case No.-238 Year-2019 Thana- SULTANGANJ District- Bhagalpur

DULIYA MANGHI S/o Panchu Manghi Resident of Shivnandanpur, Masdi,
P.S.- Sultanganj, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madan Mohan, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-10-2022 Heard Mr. Madan Mohan, learned counsel for the

petitioner and Mr.Bhanu Pratap Singh, learned counsel for the

State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Sultanganj P.S. Case No. 238 of 2019 for the offences
under Sections 147, 148, 149, 302 of the Indian Penal Code and
Section 27 of Arms Act.

As per the prosecution story, this petitioner along with
co-accused Mohan Yadav had called the son of the informant
from his house and had taken him towards Mushari tola. Further
allegation was that ten minutes after calling the son of the
informant to Mushari tola, the co-accused persons who were



altogether five in numbers, assaulted the son of the informant and this fact has been reported by her brother-in-law, Ashok Yadav. It is alleged that when the informant wanted to rescue her son, she was also assaulted.

Learned counsel for the petitioner submits that despite the fact that the omnibus allegation has been levelled against the accused persons including the petitioner herein, he has remained in custody since 20.9.2019 (as stated in para 9 of the bail application). He further submits that the other similarly placed co-accused have since been released on bail vide Cr. Misc. Nos (Annexure 2 series).

Considering the period of custody of three long years, charge-sheet stands submitted, the petitioner do not have criminal antecedents and other co-accused have granted bail, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned ACJM 1st, Bhagalpur, in connection with Sultanganj P.S. Case No. 238 of 2019 subject to the following conditions:-



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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