

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48497 of 2022

Arising Out of PS. Case No.-48 Year-2021 Thana- KURSAILA District- Katihar

Sanjeet Kumar Mandal @ Bhattu Mandal @ Ranjeet Kumar Mamdal S/o-
Dilip Mandal @ Chunchun Mandal R/o- Mandal tola, Kheriya, P.S.- Kursela,
Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-12-2022 This petition has been taken up for out of turn hearing on a mentioning slip being moved on behalf of the petitioner that the wife of the petitioner is in advanced stage of pregnancy and nobody is there to look after her.

Heard learned counsel for the petitioner and learned APP for the State.

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

In the present case, the petitioner seeks bail in connection with Kursela P.S. Case No. 48 of 2021 registered for the alleged offences under Sections 147, 148, 149, 341, 323, 324, 307 and 504 of the Indian Penal Code.

As per prosecution case, the petitioner along with 13



co-accused persons assaulted the two sons of the informant and one of co-villagers with *lathi*, *danda*, iron rod and *dabiya*. All three victims received injuries.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is only general and omnibus allegations of assault against all these persons without any specific overt act being attributed to the petitioner. The injuries on two of the victims have been found to be simple and caused by hard and blunt substance whereas the injury of the son of the informant namely Hasan Kumar has been stated to be grievous in nature but caused by hard and blunt substance. Learned counsel further submits that a number of co-accused persons have been granted bail by a Co-ordinate Bench vide order dated 26.05.2022 passed in Cr. Misc. No. 17218 of 2022 and vide order dated 15.04.2022 passed in Cr. Misc. No. 51599 of 2021, respectively. The case of the petitioner is similarly placed and charge has already been framed in this case and the petitioner is in custody since 10.03.2022.

Learned APP opposes the prayer for bail submitting that the petitioner is accused in a case of similar nature.

Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the nature of allegation against the petitioner with the fact that other similarly placed co-accused persons have been granted bail and charges have been framed and also considering the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Katihar in connection with Kursela P.S. Case No. 48 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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