

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44276 of 2022

Arising Out of PS. Case No.-66 Year-2022 Thana- HATHAURI District- Samastipur

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Suman Kumar, S/O Sri Prem Kumar Mandal, Resident of Village- Gangarahi,
P.S.- Hathauri, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Om Prakash Kumar, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Hathauri (Shivajinagar) P.S. Case No. 66 of
2022 registered for the alleged offences under Sections 147,
148, 149, 341, 323, 324, 325, 307, 354, 379, 504 and 506 of the
Indian Penal Code.

As per the prosecution case, the petitioner and other
co-accused persons assaulted the informant and his family
members and broke both the arms of the sons of the informant.
Further allegation against the petitioner is that he and co-



accused person Ram Sakal Mandal hit on the head of Pawan Mandal with *khanti* causing fracture of his head and the victim fell down. The occurrence took place in the background of some land dispute.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Being agnate of the other co-accused persons, he has been named in this case. There is general and omnibus allegation against the petitioner and other co-accused persons. Only specific allegation against this petitioner is that he gave *khanti* blow on the head of Pawan Mandal, but the injury report shows a simple injury caused by hard and blunt substance and the said injury appears to be a laceration of 1 inch. So no offence under Section 307 IPC would be made out against this petitioner and for other offences, the allegations are general and omnibus and the specific allegations are against the other accused persons. The learned counsel further submits that for the same occurrence, Hathauri P.S. Case No. 67 of 2022 has been lodged by co-accused Ram Udesb Mandal and during treatment one Sikil Devi died. The learned counsel further submits that the charge sheet has been submitted in this case and the petitioner is in custody since 05.06.2022.



Learned A.P.P. opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made hereinabove and considering the non-specific allegation against the petitioner and absence of injury or intention for which specific allegation has been levelled against this petitioner and further considering the submission of charge sheet and the period of custody of the petitioner, he 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 Chief Judicial Magistrate-IV, Rosera, Samastipur, in connection with Hathauri (Shivajinagar OP) P.S. Case No. 66 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) 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.

V.K.Pandey/-

(Arun Kumar Jha, J)

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