

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57401 of 2021

Arising Out of PS. Case No.-24 Year-2021 Thana- BASANHI District- Saharsa

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Fulen Mandal @ Indrajeet Mandal, Son of Late Birendra Mandal, Resident of
Village - Naraihya, P.S.- Basnahi, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-04-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of four weeks from today.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks regular bail, who is in custody in

connection with Basnahi P.S. Case No. 24 of 2021 for the

offences punishable under Sections 147, 149, 341, 323, 324, 307

and other allied Sections of the Indian Penal Code. Later on,

Section 302 of the Indian Penal Code has been added.

The prosecution case as alleged in the F.I.R. is that on

the alleged date of occurrence on account of construction of

Toilet, a dispute has arisen and thereafter all the named accused

persons came to the house of the informant and all the accused

persons assaulted the mother of the informant and looted the



grocery shop goods worth Rs.1,00,000/- (One lakh) and cash Rs.50,000/- and also assaulted to his sister Naulakha and his Mausi. It is alleged that one Surjeet Mandal assaulted with the Butt of the rifle to the mother of the informant.

It is submitted on behalf of the learned counsel for the petitioner that there is general and omnibus allegation against this petitioner and no specific allegation of any overt act has been attributed against the petitioner and moreover the specific allegation of assault is against Surjeet Mandal, which resulted into the death of Nirmala Devi, mother of the informant. It is next submitted that the petitioner has absolutely clean antecedent and he is in custody since 14.05.2021. It is also submitted that both the parties are Gotia and there is land dispute and the matter is pending before the Circle Officer, Sonbarsa.

On the other hand, learned APP for the State submits that there is allegation against this petitioner that he along with other co-accused persons assaulted the deceased.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that against this petitioner there is general and omnibus allegation and the specific allegation of assault is against Surjeet Mandal, which



ultimately resulted into the death of the deceased, apart from the fact that the petitioner has no criminal antecedent and he is in custody since 14.05.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-III, Saharsa in connection with Basnahi P.S. Case No. 24 of 2021 with the following conditions:

(a) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and in case of his absence on two consecutive dates without any cogent reason, his bail bond shall be cancelled by the Court below.

(b) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Harish Kumar, J)

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