

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58262 of 2021

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

Kamlesh Mandal Son of Late Asharfi Mehta Resident of Village- Naraihya,
P.S.- Basnahi, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-04-2022 Let the defects, if any, be removed within four weeks
from today.

Learned counsel for the petitioner seeks permission to
make necessary correction in the father's name of the petitioner.
of the day.

Counsel for the petitioner is permitted to make
necessary correction within a week.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Basnahi P.S.Case No. 24 of 2021 for the offences
punishable under Sections 147, 149, 341, 323, 324, 307, 354,
427, 448, 504, 506 and added section 302 of the Indian Penal
Code.



As per the prosecution case, it is alleged that on account of construction of a toilet, a dispute has arisen and thereafter, all the F.I.R. named accused persons came to the house of the informant and looted Kirana shop goods worth Rs. One lakh and cash of Rs. 50,000/-. It is further alleged that the accused persons also assaulted the sister of the informant and Mausī. It is alleged that one Surjeet Mandal assaulted with butt of the rifle to the mother of the informant.

Learned counsel for the petitioner submits that there is general and omnibus allegation against the 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 resulting into the death of the mother of the informant. It is next submitted that the petitioner has absolutely clean antecedent and he is in custody since 22.02.2021. It is next submitted that co-accused having similar allegation, namely, Fulen Mandal @ Indrajeet Mandal has already been granted bail by this Court on 5.04.2022 in Cr. Misc. No.50713 of 2021

The learned A.P.P. opposed the prayer for bail of the petitioner and submits that there is allegation against all the accused persons that they assaulted the deceased and other



family members.

Having heard the rival contentions of the parties and taking into consideration the fact that, there is general and omnibus allegation of assault against this petitioner, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, -III, Saharsa in connection with Basnahi P.S.Case No. 24 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

N.K/-

(Harish Kumar, J)

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