

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.48325 of 2022**

Arising Out of PS. Case No.-260 Year-2021 Thana- KAHALGAON District- Bhagalpur

1. Shankar Mandal S/o Late Narshing Mandal Resident of Village- Devari Maheshpur, P.S.- Kahalgaon, District- Bhagalpur.
2. Virendra Mandal @ Birendra Mandal S/o Babulal Mandal Resident of Village- Bansipur (Devari Maheshpur), P.S.- Kahalgaon, District- Bhagalpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-12-2022 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within two weeks from today.

Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Kahalgaon P.S. Case No. 260 of 2021 registered for the offences punishable under Sections 147, 149, 302 of the Indian Penal Code. They are in custody since 30.06.2021. The petitioners have got no criminal antecedent.

Learned counsel for the petitioners submits that as per the prosecution story, on 16.04.2021 altogether 10 FIR named accused persons came to the house of the informant, dragged the



father of the informant from his room and started assaulting him with hand and fists blow due to which the father of the informant died on spot.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the petitioners are in custody in connection with this case since 30.06.2021 having no criminal antecedent.

Learned counsel submits that there is general and omnibus kind of allegations. It is submitted that the post-mortem report shows that there is no external injury on the body of the father of the informant.

Mr. Akhileshwar Dayal, learned APP for the State is present and has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case wherein altogether 10 persons are named in the first information report, there is general and omnibus allegations that all the accused persons had assaulted the deceased by hand and fist blow but it is submitted that the post-mortem report does not reveal any external injury and even the impugned order does not mention any injury noticed in the post-mortem report, the petitioners are in custody since 30.06.2021, the investigation is complete and the charges



have already been framed, this Court directs that the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Bhagalpur in connection with Kahalgaon P.S. Case No. 260 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application is allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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