

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58469 of 2021

Arising Out of PS. Case No.-245 Year-2020 Thana- MANIHARI District- Katihar

Gunadhar Mandal Son Of Late Sant Lal Mandal Resident of Village -
Bhawanipur (Bagulagarh), P.S. - Amadabad, District - Katihar. At present
residing at Naya Tola, Bahadurpur, P.S. - Manihari, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-05-2022 Let the defects, if any, be removed within four weeks
from today.

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 Manihari P.S.Case No. 245 of 2020 for the offences
punishable under Sections 447, 341, 323, 325, 307, 354B, 379,
504, 506/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on
account of some trifling matter, hot discussions has taken place
in between Pancho Devi and Kamini Devi, the mother of the
informant, thereafter, all the F.I.R named accused persons
started abusing and assaulted the informant's mother and



brother, thereafter, this petitioner pushed her mother down and assaulted informant's father with iron rod .

It is submitted on behalf of the learned counsel for the petitioner that there is case and counter case between the parties and with regard to an occurrence, which was taken place on 2.08.2020, the present FIR has been instituted on 10.08.2020 and no explanation has been given in this regard. It is next submitted that during the course of trial the injured witness has been examined and he has not supported the prosecution case and stated that he received injuries on account of the fact that he fell down on a PCC road. It is further submitted that other witnesses also not supported the prosecution case. It is lastly submitted that petitioner is aged about 60 years and is in custody since 12.07.2021.

On the other hand, learned counsel for the State unable to refute the contention made by the counsel for the petitioner and the statements made in the supplementary affidavit.

Having heard the rival contentions of the parties and taking into consideration the fact that during the course of trial, the witnesses including the injured witness have not supported the prosecution case. Further the petitioner having clean antecedent



and is in custody since 12.07.2021, 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 Sessions Judge-V, Katihar in connection with Manihari P.S. Case No. 245 of 2020 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.

(Harish Kumar, J)

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