

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59338 of 2021**

Arising Out of PS. Case No.-268 Year-2021 Thana- KAHALGAON District- Bhagalpur

Ram Pravesh Mandal Son of Late Yugal Kishore Mandal Resident of Village-
Ballu, Police Station- Kahalgaon, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Masleh Uddin Ashraf

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 22-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Kahalgaon (Rasalpur) P.S. Case No. 268 of 2021 registered for
the offence under Sections 147, 148, 149 and 302 of the Indian
Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.04.2021.

The allegation against the petitioner is to commit the
murder of the husband of the informant, who is also the father
of the petitioner due to refusal to give share in property.

Learned counsel appearing on behalf of the petitioner



submitted that from bare perusal of the F.I.R. itself, it appears that the allegation, as regard to assault, against the petitioner is very much general and omnibus. It has further been submitted that it is highly improbable that deceased was assaulted by so many persons as only single injury was found upon the body of deceased, as per post mortem report. It has further been submitted that the deceased is the father of the petitioner and due to family dispute, petitioner has been falsely implicated in the present case. While concluding the argument, it has also been submitted that chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that F.I.R. suggests that the allegation of assault is general and omnibus.

Considering the facts and circumstances as mentioned above, as the allegation, as regard to assault, against the petitioner is very much general and omnibus coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Kahalgaon (Rasalpur) P.S. Case No. 268 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Pappu Kumar Tanti, who is the cousin brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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