

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50186 of 2022**

Arising Out of PS. Case No.-95 Year-2022 Thana- RAJNAGAR District- Madhubani

1. Chandeshwar Mandal S/O Late Bindeshwar Mandal
2. Jaysundar Devi W/O Chandeshwar Mandal
Both Resident of village- Raghapur Balat, P.S.- Rajnagar, District-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Ratanakar Jha, Advocate
For the Opposite Party/s :	Mr.Sucheta Yadav, APP
For the informant :	Mr. Shailendra Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioners, learned APP

for the State as also learned counsel for the informant through

virtual mode in view of COVID-19.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioners are in judicial custody in connection
with Rajnagar P.S. Case No.95 of 2022 instituted under Sections
302,143,341,323,324,307 of the Indian Penal Code.

As per the FIR, the informant has alleged that the
accused persons entered in his house and injured him due to
land dispute and further assaulted his wife. The injured persons
were taken to private hospital, Madhubani and then to P.M.C.H.,
Patna for better treatment where his wife died on 15.04.2022.



Learned counsel for the petitioners submit that the occurrence as per the FIR dates back to 10-04-2022 whereas the FIR lodged on 16-04-2022 and as could be seen from the FIR itself, no reason has been given for the said inordinate delay and that is the reason for exaggerating the case and implicating all of them which led to the two petitioners, aged people, one of them being the lady (petitioner no.2) to be in custody since 19-04-2022 (as stated in para-11 of the bail application). Further averment is that they do not have criminal antecedent.

It has further been submitted with the help of the bail application by the learned counsel for the petitioner that actually it was the son of the informant who in the scuffle threw a brick on the petitioner no.1 but accidentally it hit the wife of the informant which ultimately led to her death.

Taking into account the aforesaid facts that they are in custody since 19.04.2022, charge-sheet stand submitted, they do not have any criminal antecedent and there is no explanation for the inordinate delay in lodging the FIR, this Court is inclined to grant them privilege of bail.

Let both the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with



Rajnagar P.S. Case No.95 of 2022 to the satisfaction of learned Additional Chief Judicial Magistrate, Ist, Madhubani, subject to following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(iii) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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