

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53493 of 2022

Arising Out of PS. Case No.-108 Year-2017 Thana- LADANIA District- Madhubani

Ramji Mandal S/o Late Yugeshwar Mandal R/o village- Laxminiya Maliya
Tole, P.S.- Ladaniya, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Soban Asghar, Advocate

For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-12-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Md. Soban Asghar, learned counsel for the
petitioner and learned Additional Public Prosecutor for the State
through video conferencing.

Petitioner seeks bail in a case registered in connection
with Ladaniya P.S Case No.108 of 2017 for the offences
punishable under Sections 448, 341, 323, 324, 307/34 of the
Indian Penal Code, later on section section 302 of the I.P.C was
added.

As per the prosecution case, it is alleged that on
16.06.2017, the informant submitted a written report alleging
therein that on 15.06.2017 at around 10.30 in the night co-
accused Shambhu Mandal, Sanjay Mandal and Rampari Devi



came at the house of informant and dragged her husband from the house and assaulted him with knife on the chest due to which blood started oozing out and when the informant and her daughter came to save him, the accused persons also assaulted them.

Learned counsel appearing on behalf of the petitioner submits that petitioner is not named in the FIR however, during the course of investigation, the injured died during the course of treatment and thereafter, on the basis of statement of the witnesses, the name of the petitioner has been implicated in this case. He next submits that the FIR named co-accused persons have been allowed bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 40420 of 2021 vide order dated 12.04.2022. He next submits that though the FIR was registered way back in the year 2017, as the petitioner was not named in the FIR, he was not even aware as to what has come during the course of investigation. However when the petitioner came to know, he approached before the Hon'ble Court apprehending his arrest and filed Cr. Misc. No.75205 of 2018 but the same has been dismissed as withdrawn, thereafter, on account of Covid-19 Pandemic, he could not pursue his other legal remedy and as such delay has occurred.



On the other hand, learned counsel for the State vehemently opposed the bail application and submits that during the course of investigation, the name of the petitioner has transpired.

Regard being had to the submissions made on behalf of the petitioner and considering the fact that no specific allegation of any overt act has been attributed against the petitioner and further his name has been transpired during the course of investigation, apart from the fact that the petitioner having fair antecedent and is in custody since 15.05.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Madhubani in connection with Ladaniya P.S Case no. 108 of 2017, 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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