

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70147 of 2021

Arising Out of PS. Case No.-84 Year-2021 Thana- DHARHARA District- Munger

1. CHHOTU KUMAR S/O CHANDAR MANDAL R/o village- Itwa, P.S.- Dharhara, District- Munger
2. Sanjeev Kumar S/o Chandar Mandal R/o village- Itwa, P.S.- Dharhara, District- Munger

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Adv.

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-04-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Sessions Case No. 181 of 2021 arising out of Dharhara P.S. Case No. 84 of 2021 registered for the offences punishable under Sections 342, 302, 201, 386 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are in custody since 27.04.2021, charge-sheet has been submitted in the case and petitioner no. 1 has one antecedent and petitioner no. 2 is a person with clean antecedent and the informant alleges that on 25.04.2021 at about 6:30 PM while she along with her husband were going to their house



when on the way Chandar Mandal, Sanjeev Kumar (petitioner no. 2), Raghu Kumar, Chhotu Kumar (petitioner no. 1), Rahul Kumar and Jhantu Mandal surrounded them and Chandar Mandal was in a drunken state, thereafter it is alleged that Chandar Mandal pointed pistol on her husband and threatened the informant to flee from the place of occurrence or else she will be shot and in the meantime, Jhantu Mandal armed with iron rod ran towards the informant on which she fled towards her house and when she saw back, she saw that all the accused persons assaulted her husband by iron rod. It is next alleged that when the informant along with her family member went to the place of occurrence she did not find her husband there and the dead body of her husband was found the next day, thus alleges that Chandar Mandal was demanding extortion of Rs. 20,000/- for which the present occurrence was committed.

The learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in the present case. From perusal of the allegation as alleged in the FIR it would manifest that there is specific allegation against Chandar Mandal and Jhantu Mandal of carrying pistol and iron rod, it is next submitted that if the informant would have been an eye witness to the occurrence, then definitely she would have



stated in the FIR that who assaulted where, the fact that the allegation of assault is general and omnibus in nature as such it appears that informant is not an eye witness to the occurrence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the fact that the petitioners are in custody since 27.04.2021, charge-sheet has been submitted in the case, and petitioner no. 2 is a person with clean antecedent and taking into consideration the submissions made by the learned counsel for the petitioners, let the petitioners above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sessions Case No. 181 of 2021 arising out of Dharhara P.S. Case No. 84 of 2021, with a condition that one of the bailor of the petitioners shall be their uncle Shalesh Mandal.

(Satyavrat Verma, J)

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