

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1570 of 2022

Arising Out of PS. Case No.-382 Year-2020 Thana- Darbhanga Sadar District- Darbhanga

RAM BABU MANDAL Son of Late Rajgir Mandal Resident of Village -
Chikni, P.s.- Sadar (Sonki O.P.), Distt.- Darbhanga Petitioner/s
Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Sarita Bajaj

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 14-02-2022 Heard learned Counsel for the petitioner and
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Sadar (Sonki O.P.) Police Station Case No. 382 of 2020,
registered for the offences punishable under Sections
147/148//149/302/307/341/342 of the Indian Penal Code.

The prosecution case, as per the First Information
Report, is that on the date of occurrence, the brother of the
informant, namely, Vimal Kumar, and his friend, Nikesh Kumar,
were coming from Darbhanga on a motorcycle and on the way,
the FIR named accused persons, six in numbers, along with 25-
30 other unknown persons, pelted stone upon them alleging that
they are thieves and also assaulted them with bricks and lathi, as
a result of which they received grievous injuries and the brother
of the informant succumbed to the injuries on the way to the
hospital.



Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has been implicated in this case due to the fact that he is a resident of the village, where the alleged occurrence has taken place. She further submits that the fact of the matter is that the motorcycle and mobile phone of the co-accused Shivlal Chaupal was snatched by two miscreants on a motorcycle and they were surrounded by the villagers and others who assaulted them and while fleeing away, the miscreants met with an accident and co-accused Shivlal Chaupal has lodged Sadar (Sonki O.P.) Police Station Case No. 381 of 2020 in this regard. She next submits that similarly situated co-accused persons, namely, Kusheshwar Chaupal and Kappal Chaupal, have been granted bail by Co-ordinate Bench of this Court, vide order, dated 31.08.2021, passed in Criminal Misc. No. 6489 of 2021. She next submits that petitioner is in custody since 14.09.2021 and charge sheet has been submitted against him and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions made by the parties and taking into consideration the material on record and the fact that similarly situated co-accused persons have been



granted bail by this Court, the petitioner is in custody since 14.09.2021, charge sheet has already been submitted and the trial is not likely to be concluded in near future due to pandemic, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga, in connection with Sadar (Sonki O.P.) Police Station Case No. 382 of 2020, subject to the conditions that (i) the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the court below, and (ii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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