

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31541 of 2022

Arising Out of PS. Case No.-114 Year-2021 Thana- JADIA District- Supaul

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Brahmdeo Mandal Son of Late Jagdeo Mandal R/o Village- Fasiyakothi Ward
No.-2, Parsagadhi North, P.S.- Jadiya, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prafull Chandra Thakur, Advocate.

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 08-02-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Prafull Chandra Thakur, learned counsel
for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Jadiya P.S. Case No. 114 of 2021, registered for
the offences punishable under Sections 147, 148, 149, 341, 323,
324, 307, 379, 504, 354, 506 of the Indian Penal Code and
Section 27 of the Arms Act.

The prosecution case is based on the written report of
the informant alleging therein that on 07.06.2021 at about 06:00



P.M., the informant's uncle, namely, Udit Rai and Nandan Kumar Rai went to the house of the accused persons in order to settle earlier dispute pertaining to road between the parties. In the meantime, all the accused persons including the petitioner armed with different weapons came at the door of the informant and started abusing. It is further alleged that accused Madhav Rai assaulted the informant over his head by means of iron rod causing rupture wound, co-accused Umesh Yadav fired on the informant's brother Ajay Kumar Rai due to which he sustained gun shot injury in his right jaw and this petitioner Brahmdeo Mandal assaulted said Ajay Kumar Rai, over his head by means of dabiya causing rupture wound on his head. It is also alleged that all the accused persons also assaulted other family members of the informant and disrobe the ladies of the family and also snatched valuables.

Learned counsel appearing on behalf of the petitioner submits that in fact the present case is a nothing but a counter blast of an earlier case bearing Jadiya P.S. Case No.113 of 2021 filed by co-accused Madhav Rai. He further submits that in fact on account of dispute pertaining to road, some altercation has taken place, which resulted into free fight, wherein the persons of both the parties has sustained injuries, however, the



prosecution has failed to explain the injuries sustained to the accused persons. He next submits that though the occurrence has taken place on 01.06.2021, but the present case has been instituted after a delay of four days on 05.06.2021 and no explanation has been given. He has further drawn the attention of this court to the injury sustained to Ajay Kumar Rai and submits that the same does not corroborate that he was assaulted by means of dabiya. He lastly submits that the petitioner is in custody since 08.01.2021, and the charges have already been framed on 16.08.2022, and he is ready to give undertaking that he will fully cooperate in the trial till its conclusion.

On the other hand learned APP for the State vehemently opposes the bail application and submits that specific allegation has been leveled against the petitioner that he assaulted the brother of the informant by means of dabiya, apart from the fact that he has also found involved in one another case as has been mentioned in paragraph 3. He further submits that injuries have been found to be grievous in nature.

Regard being had to the submissions made on behalf of the parties and considering the fact that occurrence has taken place on account of land dispute and there is counter version of the present case, apart from the fact that charges have already



been framed coupled with the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Supaul, in connection with Jadiya P.S. Case No. 114 of 2021, 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in



terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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