

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37932 of 2023

Arising Out of PS. Case No.-144 Year-2022 Thana- BHAPTIAHI District- Supaul

1. Reeta Devi, W/O Sadanand Mandal @ Sudhir Mandal, R/O Village-Karjain, P.S.- Karjain Dist.-Supaul
2. Sadanand Mandal @ Sudhir Mandal, S/O Late Ghanshyam Mandal R/O Village- Karjain, P.S.- Karjain Dist.-Supaul
3. Gajendra Mandal S/O Sadanand Mandal @ Sudhir Mandal, R/O Village-Karjain, P.S.- Karjain Dist.-Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prafull Chandra Thakur, Advocate
For the Opposite Party/s : Mr. M. K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-07-2023 Heard Mr. Prafull Chandra Thakur, learned counsel

appearing on behalf of the petitioners and the learned APP for

the State.

2. The petitioners are apprehending their arrest in
connection with Bhaptiyahi P.S. Case No. 144 of 2022
registered for the offences punishable under Sections 341, 323,
307, 302/34 of the Indian Penal Code.

3. It is alleged that while the informant was sitting at
his door, all the accused persons armed with Lathi, Farsa and
Iron rod came there and started assaulting him. It is specifically
alleged that petitioner no.2 Sudhir Mandal and petitioner no.3



Gajendra Mandal and co-accused Ravindral Mandal assaulted the father of the informant, due to which he sustained multiple injuries, whereupon he was taken to hospital and during the course of treatment he succumbed to the injuries.

4. Learned counsel appearing on behalf of the petitioners submits that the informant and the petitioners are own relatives and moreover the petitioner no.2 and the deceased are full brother. However, on account of demarcation of a land, this occurrence has arisen, which resulted into unfortunate injury to the father of the informant, who was an ailing person, died during the course of treatment. He next submits that so far petitioner no.1 is concerned, she is a lady and there is no allegation with regard to her participation. He next submitted that even as per the narration of the F.I.R., the occurrence is alleged to have taken place on 30.10.2022, but the F.I.R. has been instituted after a delay of three days i.e. on 02.11.2022 without any plausible explanation.

5. On the other hand, learned counsel for the informant vehemently opposes the bail application and submits that specific allegation has been levelled against petitioner nos. 2 and 3, who assaulted the father of the informant, resulting into his death, during the course of treatment.



6. Learned counsel for the State also opposes the bail application.

7. Having considered the submissions made on behalf of the parties and considering the specific nature of accusation against the petitioner nos. 2 and 3, namely, Sadanand Mandal @ Sudhir Mandal and Gajendra Mandal, their prayer for pre-arrest bail stands rejected. However, they are directed to surrender before the court below within a period of four weeks from today. In case, they surrender before the court below and pray for regular bail, the court below would consider their prayer for regular bail taking into account that petitioner no.2 is a Cardiac patient and dispose of the matter expeditiously.

So far as petitioner no.1, namely, Reeta Devi, is concerned, she is a lady and there is no specific allegation of any overt act against her, let the petitioner no.1, named above, in the event of her arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Bhaptiyahi P.S. Case No. 144 of 2022, subject to the condition as laid down under Section



438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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