

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39994 of 2023

Arising Out of PS. Case No.-260 Year-2020 Thana- MURLIGANJ District- Madhepura

1. Jai Krishna Mandal Son of Anandi Mandal Resident of Village - Pratap Nagar, Police Station - Murliganj, District - Madhepura
2. Tuntun Mandal Son of Anandi Mandal Resident of Village - Pratap Nagar, Police Station - Murliganj, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-07-2023 Heard Mr. Shailendra Kumar Singh, learned counsel
for the petitioner and the State.

The petitioners are in custody since 05.04.2023 in connection with Murliganj P.S. Case No. 260 of 2020 for the offence punishable under Sections 341, 323, 324, 325, 307, 379, 302, 34 of the I.P.C. lodged on 31.08.2020 by the informant, Sushma Devi.

The prosecution story, in brief, is that as per written report of informant Sushma Devi, on 29.08.2020 at about 06.30 P.M. in the evening, the accused persons including the petitioners variously armed came at the door of informant and started abusing her. When the informant's husband objected to



it, petitioner no.1 Jai Krishna Yadav assaulted with '*Farsa*' causing injury on the head of informant's husband, Ramji Mahto while other accused persons assaulted with '*Lathi*' and '*rod*' upon Ramji Mahto indiscriminately.

When the informant came to save her husband, she was also assaulted by them. Co-accused Subhash Mandal assaulted with '*Dabiya*' at the head of informant's husband, as a result whereof, he became completely unconscious. Then informant's son Kapildeo Mahto, Shenu Mahto came to save them, they too were assaulted by accused persons causing fracture in his legs.

The accused persons also assaulted informant's daughter-in-law and brother-in-law causing injuries. Thus the F.I.R.

Learned counsel for the petitioner submits that though allegation has been made against number of accused persons, the fact is that so far as the petitioner no. 1 is concerned, the allegation is of giving '*Farsa*' blow on the head of the informant's husband causing injury to him.

However, so far as the petitioner no. 2 is concerned, only his presence as part of unlawful assembly has been alleged and no role has been attributed.



Taking into account the kind allegation that has come against the petitioner no. 1, Jai Krishna Mandal @ Jay Krishna Yadav his bail application is rejected.

So far as the petitioner no. 2 Tuntun Mandal is concerned, he has been found to be part of the unlawful assembly and do not have criminal antecedent, is in custody since 05.04.2023 (as stated in para 14 of the bail petition), this Court is inclined to extend him privilege of bail.

Let the petitioner no. 2 namely Tuntun Mandal be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M -1 Madhepura, in connection with Murliganj P.S. Case No. 260 of 2020 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application against petitioner no. 2 is allowed.

So far as the petitioner no. 1, Jai Krishna Mandal is concerned, his bail application stands rejected.

(Rajiv Roy, J)

Ravi/jyoti/-

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