

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47217 of 2022

Arising Out of PS. Case No.-66 Year-2022 Thana- HATHAURI District- Samastipur

1. Ram Sakal Mandal @ Rajeshwar Nath Singh, Son of Ram Charitra Singh @ Late Ramcharitra Mandal, Resident of Village - Gangarahi, P.S.- Hathauri (Shivaji Nagar OP), Distt.- Samastipur.
2. Chandan Mandal @ Chandan Kumar Mandal @ Chandan Kumar, Son of Devendra Mandal, Resident of Village - Gangarahi, P.S.- Hathauri (Shivaji Nagar OP), Distt.- Samastipur.
3. Bipin Kumar @ Shivnath Prasad, Son of Ganga Prasad Mandal @ Furti Mandal, Resident of Village - Gangarahi, P.S.- Hathauri (Shivaji Nagar OP), Distt.- Samastipur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Sarbottam Kumar Sarkar, Advocate
For the Opposite Party	:	Mr. Md. Aslam Ansari
For the Informant	:	Mr. Dilip Kumar Roy, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 27-02-2023 Heard Ld. counsel for the petitioners, Ld. APP for

the State and Ld. Counsel for the Informant/Respondent

No.2.

The petitioners seek bail in connection with

Hathauri (Shivaji Nagar OP) P.S. Case No.66 of 2022,

registered for the offences punishable under Sections 147,

148, 149, 341, 323, 324, 325, 307, 354 (b), 379, 504,

506 of the Indian Penal Code.

The prosecution case as emerges from the FIR is



that on 04.06.2022 at around 7:30 am, when the informant along with his sons/Dilip Mandal and Vidya Sagar, were working in the field, the accused persons including the petitioners came with *pharsa* and *danda* and assaulted his sons, as a result, the victims' hands got fractured and when his daughter-in-law/ Nirmal Devi and brother came to rescue, they assaulted them as well. It is also alleged that the accused persons snatched a gold chain worth Rs. 90,000/- .

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that there is case and counter case of the alleged occurrence and there is injury on both the sides. He also submits that some co-accused have already been enlarged on bail. He further submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioners have been languishing in jail since 05.06.2022.

It has also been stated in paragraph no. 3 of the



bail petition that the petitioners have earlier been made accused in one other case each.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Additional Chief Judicial Magistrate (ACJM), Ivth, Rosera, District Samastipur, in connection with Hathauri (Shivaji Nagar OP) P.S. Case No.66 of 2022, **after framing of charge, if not already framed**, subject to the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.



(ii) The petitioners will undertake that investigation/trial will not get hampered on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

Ld. counsel for the petitioners is directed to remove



all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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