

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48065 of 2023**

Arising Out of PS. Case No.-36 Year-2023 Thana- FALKA District- Katihar

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SUBODH MANDAL SON OF HARDEV MANDAL R/O-MALHARIA,
P.S.-FALKA (POTHIA), DISTT.-KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rama Nand Poddar, Adv.

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 01-09-2023 Heard learned counsel for the petitioner and

learned counsel for the informant as well as learned A.P.P. for

the State.

The petitioner seeks bail in connection with Falka
(Potiha) P.S. Case No. 36 of 2023 registered for the offence
under Sections 147, 148, 149, 341, 342, 324, 307 and 302 of
the Indian Penal Code.

As per the prosecution case, the allegation against
the co-accused persons namely, Shankar Mandal, Pappu
Mandal, Subodh Mandal and Kameshwar Mandal is of
assaulting the informant's husband with Gadasa and axe on
his head due to which the informant's husband succumbed
to injury on the spot. The petitioner and the co-accused



persons namely, Jailu Kumar, Raju Kumar and Swaroop Mandal @ Bhola assaulted Rajnish Kumar with dabia and sword. The informant and his son were also assaulted with dabia by the co-accused Ajay Kumar.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that on bare perusal of the F.I.R., it appears that the petitioner and other accused persons have assaulted the husband of the informant by garasa and axe but the injury report of the husband of the informant suggest that he has received only one injury which was opined to be inflicted by a hard and blunt substance. He further submits that it has come during course of investigation more particularly in paragraph no. 125 that the co-accused, Pappu Mandal has confessed that he has categorically confessed that he has assaulted the husband of the informant by means of bamboo due to which the deceased died on the spot. Moreover, co-accused, Ajay Kumar, who happens to be brother of the deceased against whom allegation of assault was attributed has already been granted bail by the court below itself. Moreover, co-accused, Shailendra @ Shailendra Mandal @ Salu @ Ravi Mandal @



Ravi has already been granted bail by a co-ordinate Bench of this Court vide order dated 12.07.2023 passed in Cr. Misc. No. 39779 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 06.02.2023.

Learned counsel for the informant as well as learned A.P.P. for the State opposed the prayer for bail of the petitioner and submits that the petitioner has assaulted the husband of the informant along with other co-accused causing his death.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Judicial Magistrate-1st, Class, Katihar, in connection with Falka (Pothia) P.S. Case No. 36 of 2023 with the following conditions:-

(1) 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 on his/her absence on two consecutive dates



without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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