

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48825 of 2022

Arising Out of PS. Case No.-131 Year-2022 Thana- BISFI District- Madhubani

Binod Mandal S/o Lakshmi Mandal Resident of Village- Kamlawari, P.S.-
Bisfi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 08-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Bisfi P.S. Case No. 131 of 2022 registered for
the alleged offences under Sections 341, 323, 324, 307, 379,
504, 506/34 of the Indian Penal Code.

As per prosecution case, due to previous enmity, the
co-accused persons caught hold of the informant and struck him
with a broken bottle on the left side of his neck. The allegation
against the petitioner is that he also gave knife blow on the same
spot.

Learned counsel for the petitioner submits that the



allegation against the petitioner is false and concocted. No occurrence as alleged in the manner has ever taken place. Previous enmity is admitted. The alleged occurrence took place on 26.05.2022 but the F.I.R. has been registered on 02.06.2022. The injury report shows simple injuries caused by hard and blunt substance. The petitioner is in custody since 05.06.2022 and charge-sheet has been submitted. The petitioner is having no criminal history.

Learned APP opposes the prayer for bail submitting that the witnesses examined during investigation have supported the prosecution case and further statement of the informant was recorded and he again named the petitioner who attacked with the knife on his neck. However, learned APP concedes that there are two injury reports and in the subsequent injury report, the injuries have been stated to be simple in nature and injuries is stated to be caused by hard and blunt substance.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no sharp cut injury has been found as alleged against the petitioner and further considering the period of custody of the petitioner along with the submission of charge-sheet, the petitioner above named is directed to be released on bail on



furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Benipatti, District-Madhubani in connection with Bisfi P.S. Case No. 131 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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