

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57854 of 2022

Arising Out of PS. Case No.-194 Year-2022 Thana- JAGDISHPUR District- Bhagalpur

1. SUNIL MANDAL @ SUNIL KUMAR SUMAN Son of Saryug Mandal R/V- Jamgaon, Post- Baluachak, P.S- Jagdishpur, Dist- Bhagalpur
2. Anil Mandal @ Anil Kumar Son of Saryug Mandal R/V- Jamgaon, Post- Baluachak, P.S- Jagdishpur, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K.Agarwal, Sr. APP

Mr.Madan Mohan, Adv.

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 03-02-2023 Heard the learned Senior Counsel for the petitioners and the learned APP for the State.

The petitioners seek regular bail in connection with Jagdishpur P.S. Case No. 194 of 2022, registered for the offence punishable under Sections 302 and 120(B) of the Indian Penal Code.

The case of the prosecution, according to the informant, is that on 18.5.2022 at about 7:20 pm., the accused persons are alleged to have been assaulting the husband of the informant when he had called the informant on her mobile phone and told her about the said incident, whereupon the



informant and others had reached at the place of occurrence and had seen the accused persons assaulting the husband of the informant with lathi, danda (stick) and rod, however, upon arrival of the informant and others, the accused persons had fled away. It is also alleged that thereafter, the husband of the informant was carried to the hospital and on the way, he disclosed that he was assaulted by the co-accused persons, namely Shankar Mandal, Vikki Mandal and Nitesh Mandal, on account of certain disputes, which had taken place and subsequently, when he had tried to save his life by entering the shop cum house of the petitioners, they had pushed him out.

The learned Senior Counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case, they are having a clean antecedent and they are languishing in custody since 21.5.2022. The learned Senior Counsel for the petitioners has further submitted that as far as petitioners are concerned, they have only



been alleged to have not let the deceased enter their shop/ house, however, the allegation of assaulting the deceased is upon the co-accused persons, namely, Shankar Mandal, Vikki Mandal and Nitesh Mandal, hence, the petitioners are not having any complicity in the matter.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned Senior Counsel for the petitioners and taking into account the materials available on record as also considering the fact that the allegation of assault has been levelled qua the other co-accused persons, namely, Shankar Mandal, Vikki Mandal, Nitesh Mandal, apart from the fact that the petitioners are having a clean antecedent, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the above named petitioners are directed to be enlarged on bail on



furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned JM 1st Class, Bhagalpur in connection with Jagdishpur P.S. Case No. 194 of 2022.

(Mohit Kumar Shah, J)

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