

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64425 of 2022

Arising Out of PS. Case No.-473 Year-2021 Thana- SUPAUL District- Supaul

=====

UMESH MANDAL Son of Phudan Mandal @ Fudan Mandal R/v- Vina
Andauli, Ward No. 09, P.S.- Supaul, District- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Kuldeep Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-03-2023 Heard learned counsel for the petitioner, learned

counsel appearing on behalf of informant and learned Additional

Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 342, 323, 324, 504,
506, 307/34 of the Indian Penal Code.

According to prosecution case, allegation against the
petitioner is that he has assaulted the nephew of the informant
by means of spade with intent to kill.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that due to
land dispute the present occurrence took place. He further
submits that it appears from the F.I.R. that the date of



occurrence as alleged in the F.I.R. is 05.07.2021 but the present F.I.R. has been instituted on 07.07.2021 after delay of two days without giving any explanation of delay. He further submits that as per F.I.R. there is specific allegation against the petitioner is that he has assaulted the nephew of the informant. He further submits that there was no intention to kill the nephew of the informant. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused who was order giver, namely, Phudan Mandal @ Fudan Mandalhas been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 08.06.2022 passed in Cr. Misc. No. 69785 of 2021. The petitioner is in custody since 25.06.2022

The learned counsel appearing on behalf of the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner and submits that the injury of the injured persons is grievous in nature.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court



below where the case is pending in connection with Supaul P.S.

Case No. 473 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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)

mdrashid/-

U		T	
---	--	---	--

