

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 73233 of 2023

Arising Out of PS. Case No.-284 Year-2023 Thana- SURYAGARHA District- Lakhisarai

1. NITISH MANDAL @ NITISH KUMAR SON OF CHHOTAN MANDAL
RESIDENT OF VILLAGE- BHAWANIPUR, P.S.- SURAJGRH
(MANIKPUR) DISTRICT- LAKHISARAI
2. CHANDAN YADAV SON OF ADHIK YADAV RESIDENT OF VILLAGE-
BHAWANIPUR, P.S.- SURAJGRH (MANIKPUR) DISTRICT-
LAKHISARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mintoo Kumari, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-11-2023 Heard the parties.

2. The petitioners are in custody in connection with Surajgarha (Manikpur) P.S. Case No. 284 of 2023 for the offence under sections 147, 148, 149, 341, 342, 323, 325, 307, 385, 427, 504 of the Indian Penal Code lodged on 03.08.2023 by the informant, Mahendra Mahto.

3. As per the prosecution story, the allegation is that there is a land dispute between the parties and in continuation of that when the construction work of the informant's land was going on, the accused persons armed variously came, resorted to indiscriminate firing and further, there is allegation of assaulting the informant's brother, nephew and a villager causing fractures



on their body. The informant claims to have seen the occurrence from a distance. Before leaving, they also demanded Rs. 5,00,000/- as extortion. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that omnibus allegation of indiscriminate firing is against these petitioners. So far as the assault is concerned, omnibus allegation is there.

5. Further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioners on its own would like to contribute towards the medical assistance of Rs. 10,000/- each (totalling Rs. 20,000/-) through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

6. Learned APP opposes the prayer for bail stating that omnibus allegation is there, the injuries have been found to be grievous in nature.

7. There is a point in the submission of the learned APP that the injuries are grievous. However, the fact remains that there is omnibus allegation against the accused persons. So



far as the petitioner no. 1 is concerned, allegation of indiscriminate firing is there, but no bullet injury has been found in the allegation, the petitioners are in custody since 04.08.2023 (as stated in paragraph 6 of the petition), this Court is inclined to extend them the privilege of bail subject to payment of Rs. 10,000/- each (totalling Rs. 20,000/-) as undertaken by the learned counsel for the petitioners.

8. Let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai, in connection with Surajgarha (Manikpur) P.S. Case No. 284 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for six months to mark their



attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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