

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13576 of 2024

Arising Out of PS. Case No.-214 Year-2023 Thana- MURLIGANJ District- Madhepura

1. Damodar Poddar S/o Late Sunar Poddar Resident of Village- Parwa, Ward No. 3, P.S.- Murliganj, District- Madhepura
2. Bimla Devi W/o Damodar Poddar Resident of Village- Parwa, Ward No. 3, P.S.- Murliganj, District- Madhepura
3. Sanjay Poddar S/o Damodar Poddar Resident of Village- Parwa, Ward No. 3, P.S.- Murliganj, District- Madhepura
4. Manju Devi W/o Sanjay Poddar Resident of Village- Parwa, Ward No. 3, P.S.- Murliganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 29-04-2024 Heard learned counsel for the petitioners, learned APP for the State and perused the case diary.

2. The petitioners seek bail in connection with Murliganj P.S. case No. 214 of 2023 instituted for the offences under Sections 341, 323, 324, 379, 354B, 384, 307, 504, 506, 34 of the Indian Penal Code and Section 27 of the Arms Act. Later on Section 302 of the Indian Penal Code was added.

3. Prosecution story, in short, is that all the accused persons including these petitioners assaulted the informant and her family members. It is further alleged that Sanjay Poddar



(petitioner no.3) fired on Mantu Poddar which passed through without hitting him.

4. Learned counsel for the petitioners submitted that petitioners have falsely been implicated in the present case. Learned counsel for the petitioners submitted that general and omnibus allegation has been made against petitioner nos. 1, 2 and 4. He further submitted that petitioner no.3 fired upon Mantu Poddar but the bullet did not hit him. It is further submitted that there is no specific allegation of assaulting the deceased against these petitioners rather the specific allegation of assaulting the deceased by means of *dabia* is attributed to Mantu Poddar. Learned counsel further submitted that Sanjay Poddar (petitioner no.3) had no intention to kill Mantu Poddar. It has been submitted on behalf of the petitioners that the petitioners are in custody since 04.10.2023 and have no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, general and omnibus allegation against petitioner nos. 1,2 and 4, and no intention of the petitioner no.3 to commit murder as well as the period of custody undergone by the



petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Murliganj P.S. case No. 214 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(III) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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