

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.15863 of 2024**

Arising Out of PS. Case No.-260 Year-2020 Thana- MURLIGANJ District- Madhepura

Jai Krishna Mandal Son of Anandi Mandal R/o Village- Pratap Nagar, P.S.-  
Murliganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                      |
|----------------------|---|--------------------------------------|
| For the Petitioner/s | : | Mr. Shailendra Kumar Singh, Advocate |
|                      | : | Ms. Kumari Rashmi, Advocate          |
| For the State        | : | Mr. Bharat Bhushan, APP              |

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

4      27-09-2024                      Heard Mr. Shailendra Kumar, learned counsel for the  
petitioner and Mr. Bharat Bhushan, learned APP for the State.

2. The petitioner is in custody in connection with  
Murliganj P.S. Case No. 260 of 2020 for the offence punishable  
under sections 341, 323, 324, 325, 307, 379, 302 and 34 of the  
Indian Penal Code lodged on 31.08.2020 by the informant,  
Sushma Devi.

3. As per the prosecution story, in brief, is that as per  
written report of informant Sushma Devi, on 29.08.2020 at  
about 06.30 P.M. in the evening, the accused persons including  
the petitioners variously armed came at the door of informant  
and started abusing her. When the informant's husband objected  
to it, petitioner Jai Krishna Mandal assaulted with 'Farsa'  
causing injury on the head of informant's husband, Ramji Mahto



while other accused persons assaulted with 'Lathi' and 'rod upon Ramji Mahto indiscriminately.

4. When the informant came to save her husband, she was also assaulted by them. Co-accused Subhash Mandal assaulted with 'Dabiya' at the head of informant's husband, as a result whereof, he became completely unconscious. Then informant's son Kapildeo Mahto, Shenu Mahto came to save them, they too were assaulted by accused persons causing fracture in his legs.

5. The accused persons also assaulted informant's daughter-in-law and brother-in-law causing injuries. Thus the FLR.

6. Learned counsel for the petitioner submits that for the alleged act, he has already suffered by being in custody since 05.04.2023 (paragraph no. 13 of the petition) and further also concede that he has criminal antecedent. According to him, if granted relief, he will be diligently appearing in trial. 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 petitioner(s) on its own would like to contribute towards the medical assistance of Rs.10,000/- through Demand Draft issued by the local State



Bank of India branch to be submitted before the 'NA/ARAT' of concerned Court to be handed over to the informant after checking the credentials.

7. Learned APP opposes the prayer for bail submitting that allegation is against him of using farsa causing injury to the husband of the informant on his head.

8. The injury is there, the F.I.R. has been lodged, charge sheet submitted, he will face the trial, earlier a report was called for and as per the same, it has been committed to the learned court of Sessions Judge on 24.06.2024 which shows that the trial has still not commenced.

9. In that background, and considering the undertaking given by the petitioner that he will be diligently appearing in trial, he has remained in custody since 05.04.2023 (paragraph no. 13 of the petition), this Court is inclined to extend him the privilege of bail subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

10. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial



Magistrate, 1<sup>st</sup> Class, Madhepura, in connection with Murliganj  
P.S. Case No. 260 of 2020, subject to the following conditions:

(i) one of the bailor should be the family member/relative 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 his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for one year to mark his attendance;

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

**(Rajiv Roy, J)**

vinayak/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

