

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23790 of 2024

Arising Out of PS. Case No.-710 Year-2023 Thana- SHERGHATI District- Gaya

Nirmal Mandal @ Kulan Mandal @ Nirbal Kumar Son Of Shiv Balak
Mandal @ Nanhak Mandal Village -Bhus Bhusia Police Station -Sherghati
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Sherghati P.S. Case No.710 of 2023, lodged on 03.07.2023, under Sections 341/323/324/307/504/34 of the Indian Penal Code. Later on offence under Section 302 of the Indian Penal Code was added.

3. As per the prosecution, FIR has been lodged against seven named accused persons including the present petitioner against whom there is an allegation that he along with three others have assaulted the injured father-in-law of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that specific allegation is against Mohrai Mandal that he



has assaulted repeatedly by *Sambal* (iron rod) on the body and head of the informant due to which bleeding started and he fell down being unconscious. Thereafter, general and omnibus allegation against other accused persons including the petitioner that they have also assaulted. The petitioner is in custody since 10.12.2023 having no criminal antecedent.

5. Learned counsel for the State opposes the prayer for bail and submits that it is a case under Section 302 of the Indian Penal Code.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **only after framing of the charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with Sherghati P.S. Case No.710 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailor should be the family member of the petitioner who shall provide official document to show his 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 bonds by the Trial Court itself;

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

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

(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 the bail bonds.

(Dr. Anshuman, J)

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