

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34501 of 2024

Arising Out of PS. Case No.-79 Year-2023 Thana- BHARGAMA District- Araria

1. NANDAN MANDAL SON OF LATE AKALI MANDAL RESIDENT OF VILLAGE - PAIKPAR, WARD NO. 04, P.S. - BHARGAMA, DISTRICT - ARARIA
2. MUKESH MANDAL SON OF NANDAN MANDAL RESIDENT OF VILLAGE - PAIKPAR, WARD NO. 04, P.S. - BHARGAMA, DISTRICT - ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-07-2024 Heard Mr. Ramesh Kumar Singh, learned counsel
for the petitioners and Mr. Md. Iftekhar Mahmood, learned APP
for the State.

2. Petitioners seek bail, who are in custody since 01.03.2024, in connection with Bhargama P.S. Case No. 79 of 2023, F.I.R. dated 22.03.2023 registered for the offences punishable under Sections 341, 323, 302/34 of the Indian Penal Code.

3. Allegation against the petitioners is that they along with other accused persons assaulted the grandmother of the informant. It is further alleged that accused petitioner Nandan Mandal gave a blow of bamboo on the head of the grandmother



of the informant as a result of which she sustained head injury and during course of treatment she died.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case due to previous land dispute between the parties. He further submits that from perusal of the F.I.R. it appears that the F.I.R. is in two parts, in first part, there is general and omnibus allegation against all the accused persons including these petitioners and in second part, there is specific allegation of assault attributed against petitioner no. 1, namely, Nandan Mandal that he has assaulted with the bamboo to the grandmother of the informant and she has received injury and during treatment she died. He further submits that the informant is the eye witness of the alleged occurrence.

5. As far as petitioner no. 2, namely, Mukesh Mandal is concerned, there is no specific allegation of any assault or overt act against the petitioner no.2 rather there is general and omnibus allegation against the petitioner no. 2

6. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners and submits that the petitioners carries one more case other than the present one but fairly submits on the basis of



paragraph-3 of the petition that the petitioners are on bail in the pending matters.

7. Considering the facts and circumstances of the case and the fact that there is no specific allegation of any assault or overt act attributed against the petitioner no. 2, let the petitioner no. 2, above named, Mukesh Mandal, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Araria in connection with Bhargama P.S. Case No. 79 of 2023, subject to the following conditions :-

(1) Petitioner no. 2 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 no. 2 tampers with the evidence or the witness, 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 no. 2 and in case



at any stage, it is found that the petitioner no. 2 has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner no. 2. 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.

8. So far as petitioner no. 1 is concerned, there is specific allegation that he has assaulted with bamboo to the grandmother of the informant as well as medical report also supports the allegation as alleged in the F.I.R., I am not inclined to enlarge the petitioner no. 1 on bail in connection with Bhargama P.S. Case No. 79 of 2023 pending in the Court of Judicial Magistrate 1st Class, Araria.

9. Prayer for bail on behalf of the petitioner no. 1 is hereby refused.

(Rajesh Kumar Verma, J)

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