

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69618 of 2023

Arising Out of PS. Case No.-143 Year-2023 Thana- FALKA District- Katihar

MANIYA DEVI @ MANO DEVI W/O BHUMI MANDAL @
BHUMESHWAR MANDAL R/O VILLAGE- BHANGANA, P.S- FALKA
(POTHIA), DISTT.- KATIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 77020 of 2023

Arising Out of PS. Case No.-143 Year-2023 Thana- FALKA District- Katihar

BHUMI MANDAL @ BHUNESHWAR MANDAL @ BHUMESHWAR
MANDAL SON OF BATTESHWAR MANDAL RESIDENT OF VILLAGE-
BHANGARA, WARD NO. 10 PS- FALKA, DIST- KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 69618 of 2023)

For the Petitioner/s : Mr.Bhola Prasad, Advocate
For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP
For the Informant : Mr.Umesh Prasad, Advocate

(In CRIMINAL MISCELLANEOUS No. 77020 of 2023)

For the Petitioner/s : Mr.Bhola Prasad, Advocate
For the Opposite Party/s : Mr.Anita Kumari, APP
For the Informant : Mr.Umesh Prasad, Advocate
: Mr.Kaushal Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA

ORAL ORDER

7 25-06-2024 Heard learned counsel for the petitioners, learned APP

for the State, learned counsel for the informant and perused the

case diary.

2. The petitioners seek bail in connection with Falka



P.S. case No. 143 of 2023 instituted for the offences under Sections 302, 379/34 of the Indian Penal Code.

3. As per the prosecution case, on the alleged date and time, informant got the information that the accused persons including these petitioners have brutally assaulted his father by means of *lathi* and bricks. When the informant went at the place of occurrence, his father was found in unconscious state with multiple bruises over his body. Thereafter, he was taken to the hospital and when he gained consciousness, he stated that these petitioners along with other co-accused persons have tied him by rope and assaulted him by means of *mungda*, *lathi* and bricks. It is further alleged that informant's father succumbed to injuries.

4. Learned counsel for the petitioners submitted that petitioners have falsely been implicated in the present case. Learned counsel further submitted that there is any no specific allegation of overt-act against this petitioner rather the nature of allegation is general and omnibus in nature. Learned counsel further submitted that the deceased himself disclosed the names of the accused persons including that of the petitioners' but there is no material on record to show the involvement of these petitioners in the alleged occurrence. It has been submitted on



behalf of the petitioners that the petitioner namely, Maniya Devi @ Mano Devi is in custody since 09.05.2023 whereas petitioner namely, Bhumi Mandal @ Bhuneshwar Mandal @ Bhumeshwar Mandal is in custody since 10.05.2023. Both the petitioners have no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for grant of bail to the petitioners. Learned counsel APP further submitted that there is ample evidence to show the active participation of these petitioners in the alleged occurrence. Learned counsel for the informant further submitted that post-mortem report also corroborates the prosecution case as multiple bruises were found the body of the deceased. Learned counsels, therefore, urged that the petitioners do not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, and the material available on record, the period of custody undergone by the petitioners coupled with the fact that petitioners have no criminal antecedent, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail, *after framing of charge, if not already framed*, 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 Falka P.S. case No. 143 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/-

U		T	
---	--	---	--

