

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4935 of 2025

Arising Out of PS. Case No.-186 Year-2023 Thana- PIPRA District- Supaul

1. Ramphal Mandal, aged about 80 years, Male,
2. Balram Mandal, aged about 75 years, Male,
Both son of Late Domi Mandal, resident of Village- Thumha, Police Station-
Pipra, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 28-02-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with
Pipra PS Case No.186 of 2023 dated 27.05.2023, instituted
under Sections 147, 149, 341, 342, 323, 307, and 302 of the
Indian Penal Code.

3. The prosecution case, in brief, is that on the alleged
date of occurrence the petitioners along with other accused,
named in the FIR came at the door of the informant armed with
various weapons and started abusing the husband of the
informant and threw him on the ground. It is further alleged that
co-accused, Badri Mandal, ordered to killed him upon which the



petitioner no.1 assaulted the husband of the informant on his head by means of iron rod. Petitioner no.2 is alleged to assaulted the husband of the informant by means of *lathi*. It further alleged that co-accused Sanjah Devi, Shivjee Mandal, Kundan Mandal and Priya Devi also assaulted on the head of the informant's husband by bricks due to which he sustained serious injuries.

4. Learned counsel for the petitioners submits that the petitioners are named in the FIR. The date of occurrence is 21.05.2023, but the FIR has been lodged on 27.05.2023 i.e., after six days without any plausible explanation for the delay. Learned counsel further submits that the allegation of assault on the head of the deceased is against Ramfal Mandal, Balram Mandal, Badri Mandal, Sanjha Devi, Sheoji Mandal, Kundan Mandal and Priya Devi, but in the *post mortem* only one injury has been found on the head of the deceased. Further submission is that the police after investigation submitted charge-sheet(s) only against seven accused persons exonerating the petitioners and one Ramchandra Mandal, but the learned Magistrate has taken cognizance against all the accused persons. Learned counsel further submits that the petitioners are in advance age and petitioner no.1 is aged about 80 years, whereas, petitioner



no.2 is aged about 75 years. Further submission is that petitioner no.1 is suffering from heart ailment and his treatment is going on in Indira Gandhi Institute of Medical Science (Annexure-3). There is land dispute between the parties. Lastly, it is submitted that petitioner no.1 has no criminal antecedents, whereas, petitioner no.1 has one criminal case against him.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-VI, Supaul, in Pipra PS Case No.186 of 2023, subject to the conditions laid down in Section 482(2) of the *Bhartiya Nagrik Suraksha Sanhita*, 2023.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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