

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47862 of 2025

Arising Out of PS. Case No.-297 Year-2024 Thana- MANIHARI District- Katihar

Sukhu Mandal, Son of Late Khiran Mandal @ Late Khiram Mandal, Resident
of Village - Baghmara, P.S.- Manihari, District - Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-09-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Manihari P.S. Case No.297 of 2024 registered for the
offences punishable under Sections 189(2), 115(2), 126(2),
324(4), 109, 352 and 351(2) of the Bhartiya Nyaya Sanhita,
2023 (for short 'B.N.S.').

3. The accused/petitioner is named in the FIR and
is in custody since 21.01.2024.

4. As per FIR, nine named accused persons
including the petitioner came to the courtyard of informant
and started to abuse the informant and family members,
which upon objection, co-accused persons damaged the
property of informant worth of Rs.50,000/- and co-accused



Sunil Mandal assaulted on the head of father-in-law of the informant due to which, he died in Bhagalpur Hospital during treatment.

5. it is submitted by learned counsel appearing for the petitioner that the occurrence was free fight in nature, as both parties are angates. It is submitted that the occurrence took place in the background of land dispute and for same set of occurrence, the petitioner's side also lodged a case, which was registered as Manihari P.S. Case No.298 of 2024. It is submitted that as per FIR, no overt act appears attributed to this petitioner rather he was implicated with present case only for the reason that he is the father of the main co-accused Sunil Mandal, who alleged to cause fatal assault to father-in-law of the informant. In this context, it is further submitted that petitioner is an old and sick person aged about 70 years. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence and moreover petitioner is a man of clean antecedent.



6. Learned APP opposed the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions as *prima facie* no overt act attributed against petitioner during the occurrence, where allegation of fatal assault appears available against co-accused Sunil Mandal, who is son of this petitioner, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 21.01.2024, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Manihari P.S. Case No.297 of 2024, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS').

(Chandra Shekhar Jha, J.)

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