

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69481 of 2024

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

Sheo Balak Mandal @ Shiv Balak Mandal @ Shivalak Mandal Son of Kesar Mandal Resident of Village- Bhusbhusia, P.S.- Sherghati, District- Gaya,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 64587 of 2024

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

Mohrai Mandal son of Nanhak Mandal vill- Bhusbhusiya, ps- Sherghati, Dist -Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 69481 of 2024)
For the Petitioner/s : Mr. Avinash Singh, Advocate
For the Opposite Party/s : Mr. Binod Kumar, A.P.P.
(In CRIMINAL MISCELLANEOUS No. 64587 of 2024)
For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 17-01-2025 Heard Learned Counsel for the petitioners and
Learned A.P.P. for the State in both the cases.

2. The petitioners of both the cases (Cr. Misc. No.69481 of 2024 and Cr. Misc. No.64587 of 2024) seeks regular bail in connection with Sherghati P.S. Case No. 710 of 2023 lodged on 03.07.2023, for the offences punishable under



Sections 341, 323, 324, 307, 504 & 34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against 7 named accused persons including the petitioners of both the cases. The allegations made in the FIR are in two parts i.e. in the first part, there is specific allegation of assault against petitioner of second case namely, Mohrai Mandal and in second part, there is general and omnibus allegation against five accused persons.

4. Learned Counsel for the petitioner of first case i.e. Cr. Misc. No.69481 of 2024 submits that the petitioner is innocent and has committed no offence. Counsel submits that the criminal antecedent of the petitioner is clean and he is in custody since 15.06.2024. Counsel further submits that those accused persons against whom there is general and omnibus allegations have been granted bail by this Court *vide* orders dated 05.03.2024, 20.03.2024 & 26.06.2024 passed in Cr. Misc Nos. 82450 of 2023, 23790 of 2024 & 22278 of 2024 respectively. Counsel submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned Counsel for the petitioner of second case i.e. Cr. Misc. No.64587 of 2024 submits that the petitioner is innocent and has committed no offence. Counsel submits that upon bare reading of the FIR, it become crystal clear that the



dispute has occurred due to agricultural land and both the informant's side and petitioners' side are well known to each other. Counsel further submits that the criminal antecedent of the petitioner is clean (as per the supplementary affidavit filed by counsel for the petitioner). The petitioner is in custody since 01.05.2024.

6. Learned APP for the State opposes the prayer for bail of the petitioners of both the cases and submits that it is true that FIR is in two parts i.e. in the first part, there is specific allegation of assault against petitioner of second case namely, Mohrai Mandal and in second part, there is general and omnibus allegation against five accused persons. Counsel further submits that initially, the case was lodged under section 307 of the IPC, but subsequently, section 302 of the IPC has been added after 11 days of the alleged occurrence.

7. In the present facts and circumstances of this case, let the petitioner of first case namely, Sheo Balak Mandal @ Shiv Balak Mandal @ Shivalak Mandal in Cr. Misc. No.69481 of 2024 be granted bail, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M. 1st, Sherghati at Gaya in connection with Sherghati P.S. Case No. 710 of 2023, subject to



the conditions as laid down U/s 437(3) Cr.P.C.

8. So far as the case of petitioner of second case namely, Mohrai Mandal in Cr. Misc. No.64587 of 2024 is concerned, this Court is not inclined to grant bail to him. Accordingly, the prayer for regular bail of this petitioner is hereby rejected with liberty that he may renew his prayer for bail six months after framing of charge.

(Dr. Anshuman, J)

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