

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54649 of 2016

Arising Out of PS.Case No. -42 Year- 2016 Thana -BAJPATTI District- SITAMARHI

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Tapeswar Mandal @ Tapeswar Mandal Son of Doman Mandal Resident of
Village- Basant, P.S. Bajpatti, District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate.

For the Opposite Party/s : Mr. Sri Nand Kishore Pd, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 23-12-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
20.05.2016 in connection with Bajpatti P.S. Case No. 42 of 2016
registered for the offence punishable under Section 147, 148, 149,
341, 448, 323, 324, 307, 302, 504 of the Indian Penal Code.

The prosecution case as alleged by the informant is that
while his son-in-law has come during Holy occasion the petitioner
along with seven others variously armed with lathi danda, iron
rod and Farsa came inside the house and brutally assaulted the
informant and his younger brother Chandeshwar Mandal who
succumbed to the injury.

It has been submitted by learned counsel for the
petitioner that there is no allegation of assault by the petitioner and
it was co-accused Pramod Kumar Mandal who gave Farsa blow
causing head injury of the deceased. He further submits that other



co-accused have since been granted privilege of bail by a coordinate bench of this Court in Cr. Misc. No. 45184 of 2016 on 15.12.2016 and that charge sheet has already been submitted, hence there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that petitioner is named in the FIR hence opposes the prayer for bail.

Be that as it may, considering the facts and circumstances of the case and that charge sheet has already been submitted, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Pupri at Sitamarhi in connection with Bajpatti P.S. Case No. 42 of 2016 subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Nilu Agrawal, J)

Prakash/-

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