

Arising from the above, the following are the findings of the study:

1. Sika
2. Niro
3. Bull
4. Chh

Kah

1. The S

1. Sikander Mandal S/o late Charitra Mandal
2. Niro Mandal s/o Sikander Mandal
3. Bullet Mandal s/o Sikander Mandal.
4. Chhatu Mandal S/o Tarni Mandal All residents of Milki Baira, P.s Kahalgaon, Distt- Bhagalpur.

Versus

.... Opposite Party/s

For the Petitioner/s : Mr. Pravin Kumar Sinha
For the Opposite Party/s : Mr. Sadanand Paswan(Spl.App)

4 10-11-2015 It is submitted that petitioner no.2 Niro Mandal died
in custody in the jail itself and as such his bail petition is not being
pressed.

The petitioners seek bail in a case for the offences punishable under section 302/34 of the I.P.C and sections 3 (1) (x) of SC/ST Act.

Allegedly, Sarwan Kumar aged 16 years went at the shop of the petitioner Sikander Mandal from brick kiln and purchased some articles and thereafter all the FIR named accused

persons in furtherance of common intention raised hulla of chor-chor and tied Sarwan Kumar in Sahjan tree and after assaulting killed him.

Submission is of false implication only on suspicion. There is no eye witness of the occurrence. No one has seen the deceased in the company of the petitioners and as such the petitioners who are suffering in custody deserve sympathetic consideration.

The learned Special P.P. after going through the case diary submits that the petitioners are named in the FIR and several witnesses have named the petitioners, but it is true that they are not the eye witnesses.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such petitioners Sikander Mandal, Bullet Mandal and Chhatu Mandal are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Anwar Samim, J.M. 1st Class, Bhagalpur in Kahalgaon P.S. Case No. 45 of 2015/ G.R. No. 367 of 2015, 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 petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

Abhay/-

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