

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32870 of 2015

Arising Out of PS.Case No. -402 Year- 2014 Thana -GOPALPUR District- BHAGALPUR

1. Bouku Mandal Son of Amoshi Mandal all resident of Village- Talia
Bathan , P.s Pasraha, District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Gupta

For the Opposite Party/s : Mr. Sanjay Kr.Singh(App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 10-11-2015 Heard learned counsel for the petitioner as well as the
learned A.P.P.

The petitioner seeks bail in a case registered for the
offences punishable under sections 363, 365 of the I.P.C. and later
on section 364, 302, 201/34 I.P.C. was also added.

The petitioner is not named in the first information
report. During investigation co-accused Pawan Mandal and the
petitioner were arrested and both confessed their guilt. On the
basis of confessional statement the dead body of Arbind Mandal
was recovered.

Submission is of false implication and that after
recovery of the dead body the confessional statement of petitioner
was recorded after adopting 3rd degree method. Similarly situated

co-accused Pawan Mandal has been allowed bail vide Cri. Misc. No. 31736 of 2015 by order dated 13.08.2015 and the petitioner is suffering in custody since 14.3.2015 having no criminal antecedent.

Learned A.P.P. is not in a position to distinguish the case of the petitioner from co-accused Pawan Mandal.

In the facts and circumstances stated above and considering the case of the petitioner similar to that of co-accused Pawan Mandal, the above named petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of A.C.J.M, Naugachia Bhagalpur in Gopalpur (Rangra) P.S. Case no. 402 of 2014, subject to the conditions that one of the bailor 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.

(Jitendra Mohan Sharma, J)

M.Rahman/-

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