

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26173 of 2015

Arising Out of PS.Case No. -15 Year- 2014 Thana -KURSELA District- KATIHAR

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1. Munilal Kumar @ Munia Mandal Son of Ramji Mandal

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Durgesh Nandan(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-07-2015

Heard learned counsels for the petitioner and the

State.

The petitioner is languishing in custody since 11.04.2014 in a case registered for the offences punishable under sections 452/325/326/307/379 of the IPC, subsequently, section 302 IPC was also added though chargesheet has been submitted under section 396 of the IPC.

The prosecution case as per Fardbeyan of Raj Kumar Jaiswal, the informant of the case, is that some unknown miscreants assaulted the brother of the informant namely, Parmanand Jaiswal with sharp cutting weapon and also took away mobile and other articles of the victim. During course of investigation, one Brahmadeo Mandal was apprehended from whose possession the mobile of the deceased was recovered. The

said Brahmdeo Mandal confessed his guilt and disclosed the name of the petitioner and others and stated that the petitioner and others made assault to the brother of the informant.

It is submitted by learned counsel for the petitioner that except confessional statement of co-accused Brahamdeo Mandal, nothing transpired during investigation against the petitioner. Admittedly, there is no eye witness to the occurrence. Similarly situated co-accused, whose name transpired in the confession of Brahmdeo Mandal have been granted bail vide Criminal Miscellaneous No. 16538 of 2014. Moreover, co-accused Brahmdeo Mandal has also been granted bail vide Criminal Miscellaneous No.43451 of 2014. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

It is submitted by learned counsel for the informant that during investigation, it transpired that the petitioner and Tinku Mandal assaulted the informant. Tinku Mandal has been declared juvenile and the prayer for bail of Tinku Mandal has been rejected by this Court in exercise of revisional jurisdiction.

Considering the fact that the similarly situated co-accused and Brahmdeo Mandal, on whose confession the name of petitioner transpired, have been granted bail, let the above

named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st ADJ, Katihar in connection with Kursela P.S. Case No.15 of 2014.

(Dinesh Kumar Singh, J)

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