

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23082 of 2016

Arising Out of PS.Case No. -132 Year- 2015 Thana -TIKAPATTI District- PURNIA

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1. Kundan Mandal @ Kundan Kumar Mandal Son of Subodh Mandal R/o
Village- Shabda, P.S.- Falka, District-Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan

For the Opposite Party/s : Mr. S.Dayal(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 14-07-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Tikapatti
P.S. Case No. 132 of 2015 registered for the offences punishable
under Sections 302 and 201/34 of the Indian Penal Code.

Allegedly, Chandan Kumar Mandal went with the
petitioner on motorcycle to watch *Drama* and thereafter his dead
body was found hidden in bamboo clamp.

Submission is of false implication and that during
investigation it has come that the deceased pulled *Dupatta* of
witness Mamta Kumari which was opposed and then her family
members assaulted him and thereafter he was killed and his dead
body was thrown in bamboo clamp vide para 61 of the case diary.



The Investigating Officer vide para 65 of the case diary has also opined that the deceased who was in drunken condition, teased the sister of Ranjeet Mandal and then he was assaulted by them and due to bleeding and treatment not provided, he died. Pinku Mandal confessing his guilt has not stated the name of the petitioner. The petitioner has falsely been implicated in this case, he is suffering in custody since 17.12.2015 and, as such, he deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail by submitting that witness Santosh Jaiswal is an eye witness and has stated that the petitioner and others were assaulting Chandan Mandal and when he asked the reason the petitioner and Ranjit Mandal started abusing him also.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Purnea in connection with Tikapatti P.S. Case No. 132 of 2015 subject to the conditions that one of the bailors must be 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)

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