

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32067 of 2016

Arising Out of PS.Case No. -19 Year- 2016 Thana -EAST COLONY District- MUNGER

Surendra Mandal @ Surendra Chaurasia, Son of late Shivnandan Mandal,
Resident of Village- Nayagaon, Bajrangwali Chowk Road, P.S. East
Colony, District Munger.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. N.K. Agarwal, Sr. Advocate
Mr. Jyoti Ranjan Jha, Advocate
For the Opposite Party : Mr. Sri Rajballabh Singh (APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 17-09-2016 Heard learned counsel for the petitioner and the
learned counsel representing the State.

The petitioner seeks bail in connection with East
Colony P.S Case No. 19 of 2016 registered for the offences
punishable under Section 302/34 of the Indian Penal Code and
Section 27 of Arms Act.

Allegedly, when the informant after hearing the
sound of firing came out from the house, saw his father twisting
on the road, resulting he died and then he saw Ajay Kumar
Mandal, Surndera Mandal (petitioner) and Mukesh Kumar
Chaurasiya also opened fire to create terror and succeeded in
fleeing away.

Submission is of false implication and that the



statement of the informant as alleged in the F.I.R. has not been substantiated. During investigation, in para 8 of the case diary it has come that when the police reached at the spot there was non except the deceased and then after enquiry, it was one man who told that he went at the house of Ashok Mandal and then the informant came and brought the deceased at Primary Health Centre, Jamalpur, where doctor declared him dead. Similarly, in para 9 and 10 also the petitioner has not been named rather it has come that two unknown persons, who have covered their faces shot the deceased. Further in para 22 and 23 also the story as propounded in First Information Report is not substantiated and the petitioner is suffering in custody since 29.03.2016, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner deserves sympathetic consideration

Learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering that there is land dispute, during investigation the version of the informant has not been substantiated and, as such, the petitioner shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Sri Sonelal Rajak, learned Judicial Magistrate

1st Class, Munger, in connection with East Colony P.S. Case No. 19 of 2016, 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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