

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47925 of 2016

Arising Out of PS.Case No. -35 Year- 2013 Thana -KHARIK District- BHAGALPUR

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Shambhu Mandal, son of Atwari Mandal, resident of Village – Tulsipur,
P.S. – Kharik, District Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Pathak, Advocate

For the Opposite Party/s : Mr. Arbind Kumar Pandey, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 20-12-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
29.03.2013 in connection with Sessions Trial No. 552 of 2013,
arising out of Kharik P.S. Case No. 35 of 2013 registered for the
offence punishable under Sections 302, 376 and 511 of the Indian
Penal Code.

The prosecution case is that on 05.03.2013 at 06:30
P.M., while the wife of the informant was going to cut the mustard
crop in Dhruhganj Bahiar and did not reach there till three hours,
informant came to his home but she was not traced. Thereafter,
informant along with his family members started searching her
and found her dead body in the maize field. Informant has full
confidence that accused persons, including petitioner have



murdered his wife due to previous land dispute.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated due to land dispute between both the sides. It has further been submitted that there is no eye-witness to the alleged occurrence and the petitioner has been implicated only on the basis of suspicion and his own confessional statement before the police. It is further submitted that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Considering the facts and circumstances and perusal of the material does not reveal that the petitioner's liberty on bail would adversely affect his trial, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 4th Additional Sessions Judge, Naugachia, District Bhagalpur in connection with Sessions Trial No. 552 of 2013, arising out of Kharik P.S. Case No. 35 of 2013, subject to the condition that petitioner shall be present before the



learned Court below on each and every date and his failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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