

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14652 of 2016

Arising Out of PS.Case No. -141 Year- 2015 Thana -JALALGARH District- PURNIA

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1. Ashok Kumar Mandal @ Kundan Mandal Son of late Khokhai Mandal
Resident of Village- Sampa, Hansi, PS Jalalgarh, District Purnea.

.... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh

For the Opposite Party/s : Mr. Madhuranand Jha(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 16-05-2016 Heard learned counsel for the petitioner and learned APP
for the Sate.

The petitioner seeks bail in connection with Jalalgarh
P.S. Case No. 141 of 2015 registered for the offences punishable
under Sections 302, 201/34 of the Indian Penal Code.

Allegedly, Kundan Kumar Mandal came at the house of
the informant and took away Binay Kumar Mandal @ Vikram
Mandal the son of the informant to watch dance and along with
Kundan Kumar Mandal the petitioner and other FIR named
accused persons and 3-4 unknown were also present and they went
and thereafter, they killed the son of the informant and threw the
dead body in a pond.

Submission is of false implication and that in the first
information report it is alleged that Rajeev Thakur and Anil Sah

have seen the accused persons taking drink but those two witnesses have not stated like that in their statement recorded in paragraph 56 and 57 of the case diary, no one has seen the actual killing, due to love affairs some unknown person has killed the deceased and the petitioner has been implicated falsely, resulting, he is suffering in custody since 23.11.2015.

Learned APP duly assisted by learned counsel for the informant opposes the prayer by submitting that the deceased was strangled to death, the petitioner and other co-accused were with the deceased at the time of watching the dance.

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, there is no direct evidence against the petitioner, 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 Sub-Judge IV-cum-A.C.J.M., Purnea in connection with Jalalgarh P.S. Case No. 141 of 2015, subject to the conditions that one of the bailors 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.

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(Jitendra Mohan Sharma, J)