

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18216 of 2016

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

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1. Kundan Kumar Mandal son of Late Mahesh Lal Mandal resident of village - Hansi, P.S. 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. Ashok Kumar Singh-I(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 12-07-2016

Heard learned counsel for the petitioner and learned counsel representing the State.

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, the petitioner 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 them 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 the statement recorded in



paragraph 56 and 57 of the case diary, in para 56 it has come that the deceased was having love affairs with the bhagini of the petitioner and for that the petitioner and others might have killed the deceased, so besides suspicion there is nothing, no one has seen the actual killing, some unknown might have killed the deceased and the petitioner has been implicated falsely, resulting, he is suffering in custody since 23.11.2015, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the deceased was strangled to death and 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, 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 VI-cum-Additional Chief Judicial Magistrate, 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.

(Jitendra Mohan Sharma, J)

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