

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10591 of 2016

Arising Out of PS.Case No. -179 Year- 2015 Thana -MANIHARI District- KATIHAR

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1. Sakaldeep Mandal Son of Late Sitaram Mandal, Resident of Village - Margaha, Police Station - Manihari, District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Adv.

Fpr the informant : Mr. Pramod Rajpati, Adv.

For the Opposite Party/s : Ms. Nirmala Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 26-04-2016 Heard learned counsel for the petitioner, learned counsel for the informant as well as learned A.P.P. for the State.

The petitioner seeks bail in a case for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code and under Section 27 of the Arms Act.

Allegedly, for the land dispute there was panchayati, but Dhanpal Mandal did not obey the verdict of the panchayat and causes threats to the father of the informant for killing him and thereafter Dhanpal Mandal got himself admitted in the hospital and got killed the father of the informant by Sakaldeep Mandal, Chandradeep Mandal and the sons of Dhanpal Mandal.

Submission is of false implication and that besides

suspicion there is nothing against the petitioner, neither the informant nor any other witnesses being eye-witness has stated the name of the petitioner that he saw the petitioner killing the deceased. One eye-witness vide para 9 of the case diary has only stated that one unknown boy shot the deceased and fled away.

The petitioner has been implicated due to land dispute and without legal and tangible material he is suffering in custody since 16.01.2016.

Learned A.P.P. duly assisted by learned counsel for the informant opposes the prayer for bail by submitting that the petitioner has got criminal antecedent and earlier due to land dispute he causes threats to the deceased.

In the facts and circumstances as stated above, considering that charge-sheet 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 Smt. Saba Alam, the learned Judicial Magistrate Ist Class, Katihar in connection with Manihari P.S. Case No. 179/2015 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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