

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14237 of 2016

Arising Out of PS.Case No. -99 Year- 2014 Thana -KHARAGPUR District- MUNGER

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Bablu Mandal @ Bablu Kumar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar Singh

For the Opposite Party/s : Mr. Nand Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 12-05-2016

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

The petitioner seeks bail in connection with Session Trial No. 204 of 2015 arising out of Kharagpur P.S. Case No. 99 of 2014 registered for the offences punishable under Sections 147, 148, 149, 302 and 120B of the Indian Penal Code.

Allegedly, the informant heard the sound of firing and she came out of her house and found her husband was lying dead but she did not identify the miscreants who were fleeing away. During investigation, the eye witnesses, namely, Shambhu Chaudhary, Ramesh Prasad Chaudhary, Amit Kumar, Mahesh Prasad Chaudhary and others being eye witnesses have stated that the petitioner fired at the husband of the informant killing him on the spot.



Submission is of false implication and that in the first information report the petitioner is not named but due to enmity with the witnesses, they have implicated him, there is no reliable material against the petitioner and without any fault the petitioner is suffering in custody since 23.01.2015. Mahesh Prasad Chaudhary and Ramesh Prasad Chaudhary, they came later on as eye witnesses, who are also witnesses in the Fardbyan, but the petitioner is not named therein and other co-accused namely Kaila Mandal, Sanyasi Yadav and Sabita Devi have been allowed bail.

The learned A.P.P opposes the prayer of the bail by referring para 7, 8, 9 and 10 of the case diary where the statement of the eye witnesses have been recorded.

In the facts and circumstances stated above, considering that the witnesses Mahesh Prasad Chaudhary and Ramesh Prasad Chaudhary are the witnesses of the fardbayan but the petitioner is not named and other co-accused have been allowed bail and as such, considering detention of the petitioner and further chargesheet has already been submitted, he 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 Sessions Judge, Munger in connection with Kharagpur P.S. Case No. 99 of 2014, 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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