

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15444 of 2017

Arising Out of PS.Case No. -16 Year- 2012 Thana -EKCHARI District- BHAGALPUR

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1. Sukhdeo Mandal @ Sukdeo Mandal, Son of Karu Mandal Resident of Village- Ekchari Diyara, Police Station- Ekchari, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar, Advocate

For the Opposite Party/s : Smt. Meena Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 11-05-2017 Supplementary affidavit has been filed on behalf of the petitioner annexing the copy of deposition of P.W. 1 to P.W.9 and also the order passed in Cr. Misc. No. 30774 of 2014. Let it be kept on record.

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

The petitioner seeks bail in connection with Session Trial No. 875 of 2014 arising out of Ekchari P.S. Case No. 16 of 2012 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

Rupa the daughter of the informant was married to the petitioner eight years ago and out of the wedlock there is a son and allegedly the petitioner and other F.I.R. named accused



persons killed her as they did not like her.

Submission is of false implication and that the petitioner is in custody since 30.01.2014, during trial nine prosecution witnesses have been examined but all have turned hostile, without any fault the petitioner is suffering in custody, the wife of the petitioner died due to illness and her dead body was cremated in presence of the informant but later on the informant lodged this false case. Two co-accused Champa Devi and Ramchandra Mandal have been allowed bail and, as such, the petitioner also deserves sympathetic consideration.

Learned A.P.P. fairly submits that during trial all the nine witnesses have turned hostile.

In the facts and circumstances stated above, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-3rd, Bhagalpur, in connection with Session Trial No. 875 of 2014, arising out of Ekchari P.S. Case No. 16 of 2012, 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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