

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43686 of 2017

Arising Out of PS.Case No. -571 Year- 2003 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

=====

Nandu Mandal Son of Late Barhmi Mandal, Resident of Village-
Shankarpur, P.S.Parbatta, District-Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Sri Satyendra Prasad

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 14-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
07.09.2015 in connection with Kotwali (Barari) P.S. Case No. 571
of 2003 for offences punishable under Sections 302, 120(B), 109
and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while she along with her family members and husband were
sitting on the door one co-accused Akhilesh Saw along with the
petitioner and five others came and Ranjit Saw fired 3-4 shot on
the husband on which he succumbed to the injury. The cause of
dispute was that a case was filed against the petitioner who was
forcing the informant's side to withdraw the case.



It has been submitted by the learned counsel for the petitioner that he is innocent, no allegation of firing was made against him and the main accused Ranjit Saw has been acquitted by the trial court in Sessions Trial No. 472 of 2005/ Trial No. 178 of 2006 by order dated 5th May 2010. He submits that no allegation of assault has been made and the petitioner is languishing in judicial custody for more than two years. In this regard, a report has been called for from the learned court below. Report has been submitted that two witnesses have been examined upto now and the matter is pending for evidence.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional District and Sessions Judge, Bhagalpur in connection with Sessions Trial No. 174 of 2016 arising out of Kotwali (Barari) P.S. Case No. 571 of 2003, subject to the conditions that:

- (1) Both bailors would be close relative of the petitioner having sufficient immovable property within the



jurisdiction of the concerned police station/ court, who will file an affidavit stating their relationship with the petitioner

- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

U		T	
---	--	---	--

