

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38412 of 2017

Arising Out of PS.Case No. -10 Year- 2017 Thana -SABOUR District- BHAGALPUR

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1. Bibhishan Mandal, son of Chhotu Mandal, resident of Village Farka,
P.S. Sabour, District Bhagalpur.
2. Mithun Mandal, Son of Gungun Mandal, Resident of Village Olapur
P.S. Pirpainti, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Sri Khurshid Anwar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 21-08-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail in connection with Sabour
(Goradih) P.S. Case No. 10 of 2017 for offences punishable under
Sections 302, 210, 34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that when he reached his village, he was informed that co-accused
Punam Tanti has been caught by the villagers and kept. He further
came to know that the petitioner along with other three co-accused
persons have killed his son on the dispute regarding some money
received for cleaning of *Pokhar*.

It has been submitted by the learned counsel for the



petitioners that they are innocent and have been falsely implicated in this case, on the basis of suspicion and on the basis of extra judicial confession of Punam Tanti before the police, which has no evidentiary value in the eye of law. He submits that on the same day a U.D. case was registered by the railway personnel bearing UD Case No. 02 of 2017. Body of the deceased was found near the railway track. He submits that no one has seen the occurrence and that other co-accused have been granted privilege of bail by a co-ordinate Bench in Cri. Misc. No. 33619 of 2017 on 19.08.2017 and Cri. Misc. No. 25982 of 2017 on 10.08.2017 on similar allegation. He submits that charge-sheet has already been submitted and the petitioners are languishing in judicial custody since 01.05.2017.

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

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Xth, Bhagalpur, in connection with Sabour (Goradih) P.S. Case No. 10 of 2017 subject to the conditions:-



- (i) That one of the bailors shall be a close relative of the petitioners.
- (ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.
- (iii) That the petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bond shall be liable to be cancelled by the learned Court concerned.
- (iv) The petitioners shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Nilu Agrawal, J)

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