

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29103 of 2017

Arising Out of PS.Case No. -91 Year- 2017 Thana -KAHALGAON District- BHAGALPUR

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1. Jyotish Mandal son of Late Bhola Mandal resident of Village/Mohalla-Pakki Sarai, P.S.- Ghogha, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh

For the Opposite Party/s : Mr. Panchanand Pandit

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 08-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 16.03.2017 in connection with Kahalgoan (Ghogha) P.S. Case No. 91/17 for offences punishable under Sections 302/34, 120-B of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, as lodged by the informant, is that her husband was on duty of a guard for taking care of railway property and in the night of 09.03.2017 at 10.30 P.M. she was informed that her husband has been shot and while taking away for treatment he succumbed to the injuries. She came to know that co-accused Mukesh Mandal has raised alarm and one Uttam



Mandal was also killed by the miscreants.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report and his name has been dragged as he is brother of Mukesh Mandal. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner and that he has been made accused only on the basis of suspicion.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent.

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 Chief Judicial Magistrate, Bhagalpur, in connection with Kahalgoan (Ghogha) P.S. Case No. 91/17, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and that 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)

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