

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39937 of 2017

Arising Out of PS.Case No. -18 Year- 2017 Thana -BANMANKHI District- PURNIA

=====

1. Bipin Kumar Mandal @ Naveen Kumar Singh son of Upender Mandal,
resident of Village- Barmatra, Police Station- Raniganj (Bhargama) in the
district of Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sudhanshu Shekhar

For the Opposite Party/s : Mr. Dashrath Mehta

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 09-10-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner seeks bail in connection with S.T. No. 169 of
2017, arising out of Banmankhi P.S. Case No. 18 of 2017 for
offences punishable under Sections 302/34 of the Indian Penal
Code and 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while his brother Satendra Kumar @ Sachin Yadav was going
to hold panchayat, the petitioner, who was the Surpanch of
Bhargama block, along with eight others and 5-6 unknown
persons fired on the informant's brother, who, in course of
treatment succumbed to the injuries. Cause of dispute is that the
informant's brother was to settle the dispute between the two rival
groups and one group forbade the informant's brother to hold



panchayat.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case on the confessional statement of one Md. Jamil Akhtar, who has also implicated the petitioner. He submits that it was Md. Jamil Akhtar who had fired upon the deceased as stated in his confessional statement. The petitioner was the Secretary of the said panchayat and had good relations with the deceased. He further submits that some of the accused persons named in the First Information Report as well as Md. Jamil Akhtar has been granted privilege of bail by this Court and coordinate Benches of this Court in Cr. Misc. No. 29587 of 2017 on 11.08.2017 and Cr. Misc. No. 39237 of 2017 on 19.08.2017.

However, learned counsel for the informant submits that the petitioner was being lured for the post of Surpanch by the said persons and was also part of criminal conspiracy, hence, opposes the prayer for bail.

Learned APP for the State also 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 A.D.J. 3rd, Purnea, in connection with S.T. No. 169 of 2017, arising out of Banmankhi P.S. Case No. 18 of 2017, subject to the following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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

