

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30590 of 2017

Arising Out of PS.Case No. -24 Year- 2013 Thana -KHAGARIA GRP CASE District- KHAGARIA

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Kailash Mandal @ Kaila @ Kaila Mandal Son of Late Anandi Mandal,
resident of Village- Badiya, P.S.- Barhara Kothi, District- Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand

For the Opposite Party/s : Mr. Sri Satyadev Prasad Singh Yadav

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 28-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
20.09.2016 in connection with G.R. (R) No. 105 of 2013 arising
out of Saharsa (Banmankhi) Rail P.S. Case No. 24 of 2013 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 his uncle Matra alias Digambar Mandal had gone to the
fertilizer shop of one Bana Singh where the petitioner along with
four others fired on him as a result he got seriously injured and



died while being taken to the hospital.

It has been submitted by the learned counsel for the petitioner that he is innocent. There was a long drawn land dispute between the parties and the deceased was himself a veteran criminal and as many as five cases were pending against him some of very serious nature. He submits that the informant has not seen the occurrence nor the informant had gone to fertilizer shop of Bana Singh as specifically stated at paragraph 26 of the case diary that the deceased had come alone and that he does not recognize the accused persons. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

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 Additional Chief Judicial Magistrate, Rail, Khagaria in connection with G.R. (R) No. 105 of 2013 arising out of Saharsa (Banmankhi) Rail P.S. Case No.24 of 2013, 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/ court, 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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