

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17785 of 2018

Arising Out of PS.Case No. -84 Year- 2001 Thana -SHERGHATI District- GAYA

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Durga Mandal Son of Kail Mandal Resident of Village- Baheri, P.S.-
Sherghati, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Sri Binod Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 25-04-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner had earlier moved for bail along with
another co-accused which was rejected vide order dated
20.09.2017 passed in Cr. Misc. No. 36795 of 2017.

Petitioner is languishing in judicial custody since
17.04.2017 in connection with Sessions Trial No. 409 of 2017/417
of 2017 arising out of Sherghati P.S. Case No. 84 of 2001 for
offences punishable under Sections 302, 201/34 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that his son (deceased) was married to the daughter of one Kail
Mandal who died three years back. Thereafter the deceased used



to live in his sasural and wanted to marry his sister-in-law (Sali) but the petitioner along with his family members had fixed the marriage some where else for which the deceased had threatened. It is alleged that the petitioner along with co-accused Kail Mandal have killed his son and his dead body was found near the bank of river.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that there is no eye witness to the alleged occurrence and his name surfaced only on the confessional of his father Kail Mandal and mother before the police which has no evidentiary value in the eye of law. He further submits that Kail Mandal, on similar allegation, has been granted the privilege of bail by this Court. He undertakes to cooperate in the trial and also undertakes not to tamper with the witnesses.

In this regard, a report was called for from the court of the learned Fast Track Court-II, Gaya in which it has been stated that the trial is at the stage of prosecution witness.

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 Sub-Divisional Judicial Magistrate, Sherghati District-Gaya or successor court in connection with Sessions Trial No. 409 of 2017/417 of 2017 arising out of Sherghati P.S. Case No. 84 of 2001.

(Nilu Agrawal, J)

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