

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20741 of 2018

Arising Out of PS. Case No.-968 Year-2017 Thana- FORBESGANJ District- Araria

Sobhi Mandal @ Sobhi Kumar Mandal, S/o Late Kamal Mandal @ Late
Kameshwar Mandal, R/o village- Samaul, P.S.- Raniganj, District- Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Maigank Mauli, Mr. Kumar Ravish, Mr.
Sanket, Advocates
For the Opposite Party/s : Mr. Sakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 14-05-2018 Heard learned counsel for the petitioner and the
State.

The petitioner apprehends arrest in Forbesganj P.S.
Case No. 968 of 2017 instituted for the offence under Sections
302/34 of the IPC.

It is alleged in the written report that son of the
informant Trilok Kumar (since deceased) had gone to his shop
and did not return till 10.00 pm in the night, the informant sent
his another son to look after him but he did not find Trilok
Kumar at the shop. Thereafter, this petitioner and other accused
persons as named in the written report brought the dead body of
his son on two motorcycles at the door of the informant and ran
away after putting the dead body.



Learned counsel for the petitioner has submitted that the statement of mother and brother of the deceased has been recorded in paragraph 24 and 25 of the case diary wherein, they have given different story. It has been further submitted that this petitioner brought the son of the informant in unconscious condition and also waited for his treatment.

The post-mortem report is available at paragraph 31 of the case diary, wherein, only one injury was found on the person injured and the report of chemical examination of viscera kept reserved.

As such, there is only suspicion raised against the petitioner.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner, named above, in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Forbesganj P.S. Case No. 968 of 2017 to the satisfaction of the learned Chief Judicial Magistrate, Araria, subject to condition as laid down u/S 438 (2) of the Cr. P.C. with further conditions (1) (bailors should be local having sufficient



immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioner and (3) if the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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