

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38439 of 2018

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

Mohan Mandal @ Mohan Manjhi son of Kail Mandal resident of Village
Baheri, P.S. - Sherghati, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Sri Navin Kumar Pandey

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-07-2018 Heard learned counsel for the petitioner and learned
Addl. P.P. appearing for the State.

Petitioner had earlier moved for bail alongwith
another accused in Cr. Misc. No. 36795 of 2017 which was
rejected vide order dated 20.09.2017.

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 offence alleged under section 302 and other allied
sections of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his son was married to the daughter of one Kail Mandal
who died three years back. Thereafter his son started living in
his sasural and wanted to marry his sister-in-law (Sali) but the



family members had fixed the marriage elsewhere for which the informant's son had objected. Thereafter the co-accused Kail Mandal alongwith his sons and other villagers have killed his son and disposed of the dead body which was found near the bank of river.

It has been submitted by learned counsel for the petitioner that he is innocent, there is no criminal antecedent and has been falsely implicated in the present case. He submits that there is no eye witness of the alleged occurrence and it is only on the basis of confessional statement of his father, Kail Mandal and mother that he has been made accused. He submits that co-accused Kail Mandal and other co-accused persons have been granted privilege of bail on similar allegations. He also submits that one of the co-accused has also been granted privilege of bail by this Court in Cr. Misc. No. 17785 of 2018 vide order dated 25.04.2018. He submits that petitioner is ready to co-operate in the trial on day to day basis.

However, learned Addl. P.P. appearing for the State opposes the prayer for bail.

Considering the facts and circumstances of the case and the materials available on record, let the petitioner, above named, be enlarged on bail on furnishing bail bonds of Rs.



10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Sherghati, Gaya in connection with Sessions Trial No. 409 of 2017/417 of 2017 arising out of Sherghati P.S. Case No. 84 of 2001, subject to the conditions that :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner, and

(ii) 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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