

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16370 of 2019**

Arising Out of PS. Case No.-71 Year-2018 Thana- INDUSTRIAL District- Bhagalpur

DIWAKAR MANDAL Son of Sri Bindeshwari Mandal R/o village-
Navtoliya Chaunk, P.S- Industrial Area, Zero Mile, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh

For the Opposite Party/s : Mr.Amitesh Kumar

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER**

2 27-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 24.05.2018 in connection with S.T. No. 588 of 2018, arising out of Industrial Area P.S. Case No. 71 of 2018 for offences punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while her son Aman Kumar had gone to the litchi orchard of the petitioner and had plucked litchi fruit, he was assaulted by the petitioner and two others and on the next date while he was taken to the hospital he succumbed to the injuries.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and general and omnibus allegation has been levelled against the



petitioner and other co-accused. He submits that the informant's son while on being chased and while running away must have sustained injury which resulted in his death. It is further submitted that one of the co-accused on similar allegations has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 64410 of 2018 vide order dated 26.10.2018 and petitioner is languishing in judicial custody for more than 10 months. Petitioner undertakes to cooperate in the trial on day-to-day basis.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations 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 Addl. Sessions Judge-Vth, Bhagalpur, in connection with S.T. No. 588 of 2018, arising out of Industrial Area P.S. Case No. 71 of 2018, subject to the following conditions :

1. 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.



2. 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.
3. If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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