

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15745 of 2019

Arising Out of PS. Case No.-103 Year-2017 Thana- CHAUSA District- Madhepura

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SANOJ MANDAL @ SANOJ KUMAR Son of Bhajjo Mandal @ Bhajan Lal
Mandal Resident of Village- Ganaul (Barikhal), P.S.- Chausa O.P. Fulaut,
District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad

For the Opposite Party/s : Mrs. Gulnar Begum

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
05.12.2018 in a case registered for the offences punishable
under Sections 364, 365, 302, 201, 120B, 34 of the Indian
Penal Code.

The prosecution case is based on the written report
of the informant Janardan Choudhary dated 19.04.2017 at 2.00
P.M., the son of the informant Shahansah Choudhary went to
see his agricultural land, but he did not return. Thereafter, it is
alleged that four FIR named accused persons, due to old
enmity, killed the son of the informant. The petitioner was not
named in the FIR. The petitioner's name sprang up on the



confession of co-accused Sanjeet Mandal, who was arrested on 24.04.2017, when the FIR was lodged on 22.04.2017 and the dead body of the son of the informant was recovered on 26.04.2017, leading to addition of Section 302 of the I.P.C. Subsequently, co-accused Sanjeet Mandal confessed before the police about his involvement in the commission of the offence.

It is submitted by learned counsel for the petitioner that there is no eye witness to the alleged occurrence, but only on the basis of confessional statement of co-accused, Sanjeet Mandal he has been roped in the present case, who has been granted bail by a Co-ordinate Bench of this Court vide 07.12.2017, passed in Criminal Miscellaneous No. 54012 of 2017, while co-accused Raj Kumar Mandal has been granted bail by a Co-ordinate Bench of this Court vide order dated 20.09.2018, passed in Criminal Miscellaneous No. 55169 of 2018 and co-accused Tena Manda has been granted bail vide order dated 21.08.2018, passed in Criminal Miscellaneous No. 42429 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that during investigation, the name of the petitioner's sprang up as a



conspirator.

Considering the fact there is no eye witness to the occurrence and the name of the petitioner sprang up on the confession of co-accused Sanjeet Mandal, who has already been granted bail by a Co-ordinate Bench of this Court, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released 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 SDJM, Udakishunganj, Madhepura in connection with Chousa (Fulaut) P.S. Case No. 103 of 2017.

(Dinesh Kumar Singh, J)

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