

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31029 of 2019

Arising Out of PS. Case No.-167 Year-2013 Thana- SABAUR District- Bhagalpur

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GUJO MANDAL Son of Chhedi Mandal Resident of Village/Mohall - Pawai,
P.S.- Amarpur, Distt- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL ORDER

3 05-07-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 302, 201, 34 of the Indian
Penal Code but charge-sheet has been submitted under Sections
279, 304, 201 and 34 of the Indian Penal Code.

Prosecution case as lodged by the informant is that on
11.07.2013 at 5PM his son had accompanied a Barat party to
Pawai Shahkund to take videography of the marriage of Mithun
Kumar but did not return. In this regard, when Mithun Kumar
was asked he replied that the his son would come after



sometime. Thereafter, he came to know that a dead body of a boy is lying behind Panchmukhi Hanuman Mandir near Sabour Chowk. On his visit over there, he found in the midst of wooden logs the dead body of Amit Kumar was lying which was concealed there and white froth had come out from his mouth and there were marks of injury over his body.

It has been submitted on behalf of the petitioner that he is innocent, not named in the F.I.R., bears no criminal antecedent and has been falsely implicated in the aforesaid case. He further submits that the tempo which was being boarded by Amit Kumar met with an accident and it turned turtle causing seriously injury upon him and in fact his death is accidental which would be apparent from the discussion by the sessions judge considering the material collected during the course of investigation. It is further submitted that from the same order it would also appear that the police has submitted charge-sheet against co-accused Devanand Thakur, Muna Sah and Suraj Mandal under Section 279, 304 and 201/34 of the Indian Penal Code. It is contended that in fact it was co-accused Muna Sah who was driving the vehicle and had delayed everything due to which Amit Kumar died even before he could be treated. He submits that other co-accused has been granted the privilege of



bail by a coordinate bench of this Court in Cr. Misc. No. 16107 of 2016 on 24.05.2016 and petitioner is languishing in judicial custody since 17.01.2019.

In the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge, Vth, Bhagalpur in connection with Sabour Police Station Case No. 167 of 2013, subject to the conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(II) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(III) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(IV) The petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the



State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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