

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4506 of 2018

Arising Out of PS. Case No.-199 Year-2016 Thana- BHAWANIPUR District- Purnia

Deepak Mandal @ Deepak Kumar Mandal, Son of Sri Gris Lal Mandal,
resident of Village- Sripur, Motichak, P.S.- Bhawanipur, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand

For the Opposite Party/s : Mrs. Anita Kumari Singh

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

8 02-01-2019 Heard learned counsel for the petitioner and learned
A.P.P. appearing on behalf of State.

Petitioner had earlier moved for bail which was
rejected by order dated 12.09.2017 passed in Cr. Misc. No.
31050/2017.

Petitioner is languishing in judicial custody since
17.02.2017 in connection with Sessions Trial No. 222/2017
arising out of Bhawanipur P.S. Case No. 199/2016, for offences
alleged under Section 302 and 34 of the Indian Penal Code.

The prosecution case as lodged by the informant is
that while his father had gone for natural call he was assaulted
by the petitioner and one Pradip Mandal who is own brother of
the informant's father and as a result, the informant's father
succumbed while being taken to the hospital.



Learned counsel for the petitioner submits that co-accused Pradip Mandal is a co-sharer of the property and the present case is the counter blast to Bhawanipur P.S. Case No. 79/2013 and Bhawanipur P.S. Case No. 35/2015. He submits that the enmity is between the two brothers and not the petitioner and there is no eye-witness to the alleged occurrence. He further submits that petitioner is languishing in judicial custody since more than one year and ten months and undertakes to cooperate in the trial.

However, learned A.P.P. opposes the prayer for bail.

Considering the facts and circumstances of the case and materials on record, let the 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 the learned Additional District & Sessions Judge Ist, Purnea in connection with Sessions Trial No. 222/2017 arising out of Bhawanipur P.S. Case No. 199/2016, subject to the conditions:-

(1.) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2.) The 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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