

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 74380 of 2018**

Arising Out of PS. Case No.-39 Year-2016 Thana- AKBARNAGAR District- Bhagalpur

Kare Mandal @ Karelal Mandal, Son of Late Tarni Mandal @ Tari Prasad Mandal @ Tarni Pd Mandal, Resident of Village- Simariya Tola, P.S.-Rangra Chowk, District-Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyam Kishor Das

For the Opposite Party/s : Mr. Sri Ganesh Prasad Singh

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 17-04-2019 Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner had earlier moved this Court for grant of bail. By order dated 03.05.2018 passed in Cr Misc No 17893 of 2018, his prayer for bail was rejected.

The instant application is the second attempt of the petitioner seeking bail in a case registered under Sections 366/34 of Indian Penal Code.

It is submitted by the petitioner's counsel that the informant/victim has made similar/identical allegations against the petitioner and co-accused Upendra Mandal. Referring to the order dated 28.08.2018 passed by the Court below rejecting the petitioner's Bail Petition No 1173 of 2018, it is submitted that



co-accused Upendra Mandal has already been enlarged on bail by the Court below in Bail Petition No 1338 of 2017. The petitioner, as per averments made in this application, has no criminal antecedent. He is in custody since 12.01.2018.

Having considered the aforesaid facts and circumstances, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate I, Bhagalpur in Akabarnagar Police Station Case No 39 of 2016 subject to the following conditions:

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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