

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50575 of 2019

Arising Out of PS. Case No.-237 Year-2016 Thana- AAJAM NAGAR District- Katihar

NAVIN MANDAL S/O Baijnath Mandal R/O- Gogra, P.S.- Azamnagar, Distt-
Katihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 20-11-2019 A supplementary affidavit has been filed during

the course of argument. Let it be taken on record.

Heard the learned counsel for the petitioner and
the State.

The petitioner seeks bail in connection with
Azamnagar (Salmari O.P.) P.S. Case No. 237 of 2016
dated 01.09.2016 instituted for the offence under
Sections 302 and 34 of the Indian Penal Code.

By way of supplementary affidavit, learned
counsel for the petitioner has brought on record the
charge sheet which has been filed in this case. The
charge sheet has been filed under Sections 279 and 304



of the Indian Penal Code.

The allegation in the FIR is that the informant saw his brother Bhola Mandal being trampled down by Bolero vehicle. It has further been alleged in the FIR that the persons who were riding on the Bolero vehicle shouted that the deceased had seen the act of murder and therefore he should be killed. On this, the deceased was hit by the vehicle leading to his death. In the light of the lamp of the vehicle, the informant has claimed to have identified the petitioner along with others.

Learned counsel for the petitioner submits that the prosecution version does not appear to be probable in as much as if the informant was an eye witness to the occurrence in which his brother was killed because of his being an eye witness to an earlier act of murder, there was no reason for sparing the informant. Apart from this, the identification of the petitioner also does not appear to be reasonable. The charge sheet has been filed under Sections 279 and 304 of the Indian Penal



Code.

Considering this aspect of the matter and taking into account that no overt act has been attributed against the petitioner and his period of custody which is from 29.04.2019, he is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, VI, Katihar in connection with Azamnagar (Salmari O.P.) P.S. Case No. 237 of 2016.

(Ashutosh Kumar, J)

krishna/-

U		T	
---	--	---	--

