

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53705 of 2019

Arising Out of PS. Case No.-561 Year-2018 Thana- NATHNAGAR District- Bhagalpur

Pankaj Mandal @ Pankaj Singh Son of Late Ramesh Mandal Resident of
Village - Digghi, P.S.- Madhusudanpur, Distt – Bhagalpur ... Petitioner
Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner	:	Mr.Praveen Kr Agrawal, Addl Public Prosecutor
For the State	:	Mr.Bal Mukund Pd Sinha, Addl Public Prosecutor
For the informant	:	Mr. R.R.Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-11-2019 Heard learned counsel for the parties and perused the case diary.

Petitioner is an accused in a case registered for the offence punishable under sections 302/34 of the Indian Penal Code read with section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case on suspicion as there is no eye witness to the occurrence and his name has come in the case on the confessional statement of co-accused Kishore Kumar, besides the fact that the deceased was accused in murder of petitioner's father. Charge sheet has also been filed in the case, as such, there is no chance of tempering with the evidence. Petitioner has got no criminal antecedent. Petitioner is in custody in the instant case since 22.2.2019.

Learned counsel for the informant opposes the prayer



for bail pointing out that though there is no eye witness to the occurrence, the allegation of firing against the petitioner on the victim is corroborated by the post mortem report which opines that the victim died of fire arms injury.

In view of the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner, mentioned above, 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 the Additional Chief Judicial Magistrate, Bhagalpur in Nath Nagar (Madhusudanpur) Police Station Case No. 561 of 2018, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tempers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

Shashi

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

