

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 53716 of 2019

Arising Out of PS. Case No.-105 Year-2019 Thana- BELHAR District- Banka

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Santosh Mandal @ Santosh Kumar Mandal aged about 42 years (Male), Son of Ajablal Mandal Resident of Village- Kadwara, P.S.- Belhar (Khesar), District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 25-11-2019 Heard learned counsel for the parties.

The petitioner seeks bail in Belhar (Khesar) P.S. Case No. 105 of 2019 registered for the offence under Sections 302, 201 of the Indian Penal Code.

The F.I.R. has been lodged by one Choukidar namely Suresh Prasad Yadav alleging therein that he got an information that in the field of one Fekan Yadav near Hariyasi village, a dead-body of unknown lady was lying. On receiving this information, he rushed there and saw the dead body of a lady aged about 32 years and on the wrist of her right hand, a name ‘*Lalita*’ was written. On the person of the dead-body, there was some injury of assault as well as acid attack. Petitioner’s name has come during the course of investigation.

It is submitted on behalf of petitioner that it is a case



of accident and petitioner has no concern with the alleged occurrence and save & except confessional statement of co-accused, there is nothing against the petitioner. It is further submitted that petitioner is a Tempo driver, who only on suspicion has been made accused, since there is no eye-witness to the alleged occurrence. It is also submitted that chargesheet has already been submitted and as such, there is no chance of tampering with the evidence. The petitioner has no criminal antecedent and he is in custody since 21-04-2019.

Considering the aforesaid facts & circumstances as well as nature of accusation, period of custody & clean antecedent of the petitioner, let the above named petitioner 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 learned Additional Chief Judicial Magistrate – III, Banka in connection with Belhar (Khesar) P.S. Case No. 105 of 2019 on the following conditions:

(1) Petitioner shall cooperate 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 tampers 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.)

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