

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3439 of 2020

Arising Out of PS. Case No.-53 Year-2019 Thana- BALUA BAZAR District- Supaul

Rajesh Mandal Son of Hajari Mandal Resident of Village - Matiyari, P.S.-
Balua Bazar, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance

For the Petitioner : Mr. Pramod Mishra, Advocate

For the State : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

5 08-06-2020 Heard learned counsel for the petitioner and learned A.P.P
for the State, through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Balua Bazar P.S. Case no. 53 of 2019 registered under sections 302,120B and 34 of the Indian Penal Code.

As per allegation in the F.I.R., it is stated by the informant that on the date of occurrence when her husband and son were returning after grant of bail, the accused persons asked for a party from her husband. He was called by the petitioner by telephone near the godown of one Sanjeev Thakur. It thereafter transpired that her husband was lying in an unconscious state in an injured condition. He was referred to the hospital and died in course of treatment.

It is submitted by learned counsel for the petitioner that except for the statement of the informant that her husband was



called on telephone, there is no incriminating material against him. It is submitted that admittedly, there is no eye witness to the occurrence and other co-accused namely, Golu Ram has been enlarged on bail by order dated 23.1.2020 passed in Cr.Misc.No.42481 of 2020. The petitioner is in custody since 3.9.2019.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the material that has been transpired in course of investigation, grant of bail to co-accused and the petitioner being in custody since 3.9.2019, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Sessions Trial No. 382 of 2019 (arising out of Balua Bazar P.S. Case no. 53 of 2019) on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the learned Additional Session Judge-IIIrd, Supaul.

(Partha Sarthy, J)

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