

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 6693 of 2020

Arising Out of PS. Case No.-58 Year-2014 Thana- CHANAN District- Lakhisarai

SHIBNANDAN MANDAL Son of Sri Naresh Mandal Resident of Village-
Rebta, P.S.-Chanan, P.O.-Gopalpur, District-Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. V.M.K. Sinha, Adv

For the Opposite Party/s : Mr. Satyavrat Verma, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 16-09-2020 The proceedings of the Court are being conducted
through Video Conferencing and the Advocates joined the
proceedings through Video Conferencing from their residence.

Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner apprehends his arrest in a case registered
under Section 302/34 of the Indian Penal Code and 25(1-b)a, 26,
27, 35 of the Arms Act.

Informant is the wife of deceased, who in her written
complaint has alleged that on 14.07.2014 at about 7:30 hours
when she alongwith her husband and brother-in-law were going
to board Patliputra Express, petitioner alongwith FIR named
accused persons surrounded her husband and dragged him from
the railway line and thereafter co-accused Manoj Mandal,



Darbeshar Mandal, Dharmvir Rai and Boya Lal Rai fired upon her husband, as a result of which her husband died on the spot.

It has been submitted on behalf of petitioner that he is innocent and has been falsely implicated in this case due to previous enmity. It has been further submitted that occurrence took place on 14.07.2014 but FIR was lodged on 15.07.2014. There is no specific allegation of firing is made against the petitioner. Petitioner has been implicated in this case because his marriage was solemnized in the family of co-accused Manoj Mandal against whom specific allegation has been made by the informant. Petitioner has no criminal antecedent.

Considering the facts and circumstances of the case, prayer of anticipatory bail is allowed and petitioner named above in the event of arrest or surrender before the court below within four weeks from today, Petitioner is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Lakhisarai, in connection with Chanan P.S. Case No. 58 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with following conditions:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

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

(S. Kumar, J)

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