

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23221 of 2020

Arising Out of PS. Case No.-270 Year-2016 Thana- KAHALGAON District- Bhagalpur

Sakaldeep Mandal Son of Late Babulal Mandal Resident of Bakiya Diyara,
P.S. - Barari, District – Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nirbhay Prashant

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-11-2020 Heard learned counsel for the petitioner as well as
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in Kahalgaon P.S. Case No.
270 of 2016, registered for the offence under Sections 302,
201/34 of the Indian Penal Code.

As per the prosecution case, on 10-08-2016, Subhash
Yadav (brother-in-law of informant) went to attend call of
nature, but he did not return. During course of search, on next
date, the informant found the dead body of Subhash Yadav in
the field of Chhotelala Yadav and thereafter, the FIR was lodged
against unknown persons.

It is submitted on behalf of petitioner that petitioner is
not named in the FIR and during course of investigation, father
of the deceased, after lapse of two years, stated before the police
that deceased had love affairs with daughter of the petitioner
namely Prity Kumari and due to that reason, petitioner and other



co-accused have committed the murder of his son. It is further submitted that save and except suspicion, there is no other material against petitioner. There is no eye-witness to the alleged occurrence. It is further submitted that two other similarly situated co-accused have already been granted bail by this Court, vide order dated 10-06-2019 passed in Cr.Misc. No. 36195 of 2016. Petitioner is in custody since 03-12-2019.

Considering the aforesaid facts and circumstances, the bail application of petitioner is allowed. Let the above-named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhagalpur in connection with Kahalgaon P.S. Case No. 270 of 2016 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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