

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 20888 of 2020

Arising Out of PS Case No.-57 Year-2019 Thana- LODIPUR District- Bhagalpur

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Manish Kumar, aged about 25 years (M). Son of Sudin Mandal, Resident of
Village - Tahbalpur, P.S.- Lodipur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the State : Mr. Nawal Kishore Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 26-08-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Sharda Nand Mishra, learned counsel for the petitioner and Mr. Nawal Kishore Prasad, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Lodipur PS Case No. 57 of 2019 dated 08.04.2019, instituted under Sections 302 and 201/34 of the Indian Penal Code.



4. The allegation against the petitioner, though not named, and others is of killing the deceased.

5. Learned counsel for the petitioner submitted that on the statement of the *Chowkidar*, the FIR has been registered and there is no eye witness to the incident. It was submitted that the name of the petitioner came during investigation when the brother of the deceased had made allegation against co-accused Satyam Kumar @ Sanjeev Kumar @ Salam @ Satyam Kumar Mandal, that his sister had called the deceased with regard to settlement of the case against the deceased for killing the kin of the accused and the said co-accused, in his confessional statement has taken the name of the petitioner as an accomplice in the crime. Learned counsel submitted that the main co-accused Satyam Kumar @ Sanjeev Kumar @ Salam @ Satyam Kumar Mandal has been granted bail by a co-ordinate Bench on 26.08.2019 in Cr. Misc. No. 53312 of 2019. It was further submitted that the petitioner having no criminal antecedent is in custody since 02.01.2020. Learned counsel submitted that except for the confessional statement of co-accused, no other witness has taken the name of the petitioner.

6. Learned APP, from the case diary, submitted that against the petitioner, there is confessional statement of co-



accused Satyam Kumar @ Sanjeev Kumar @ Salam @ Satyam Kumar Mandal. It was further submitted that chargesheet has been submitted against him.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in Lodipur PS Case No. 57 of 2019 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.



8. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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