

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41157 of 2019**

Arising Out of PS. Case No.-58 Year-2017 Thana- ISMAILPUR District- Bhagalpur

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MANOJ MANDAL @ GOHOGHRA Son of Bechnarayan Mandal Resident
of Village- Sahu Parbatta, P.S.- Parbatta, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.Surendra Kumar

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER**

5 27-02-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody since 06.11.2017 in
connection with Ismailpur P.S. Case No. 58/2017 registered for
the offence punishable under Sections 302/34 of the Indian
Penal Code and Section 27 of the Arms Act.

The petitioner seeks to renew his prayer for bail in
view of the order dated 02.08.2018 whereby the prayer for bail
has been rejected in Cr. Misc. No. 44174 of 2018.

Learned counsel for the petitioner submits that the
prayer for bail of the petitioner had been rejected on the sole
ground that the petitioner is the main assailant and the informant
is not the eye-witness of the occurrence.

This Court has also directed that the trial of the case



be expedited so as to conclude the same within a period of nine months.

Learned counsel for the petitioner further submits that the trial has not been concluded and there is sufficient material on record and in the case diary to indicate that the informant is not the eye-witness and that they had reached the place of occurrence only after the dead-body was discovered.

Diary in this case was called for vide order dated 18.09.2019 which has since been received.

Learned counsel appearing on behalf of the State after perusal of the same has pointed out to paragraph Nos. 2 and 16 which reveals that the brother had reached the place of occurrence and had found the dead-body of the brother. It is further submitted that in view of such a distinct cloud on the prosecution story and the statement made in the aforementioned paragraphs being at variance with statement in the F.I.R., the petitioner who has already been in custody for more than two years may be extended the privilege of bail.

Having considered the entire facts and circumstances of the case, let the petitioner above named 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 2nd Additional District and Sessions Judge, Naugachia, Bhagalpur, in connection with Ismailpur P.S. Case No. 58/2017, subject to the following conditions :-

(1) One of the bailors will be the father of the petitioner.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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