

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14457 of 2021**

Arising Out of PS. Case No.-67 Year-2020 Thana- JAMALPUR District- Munger

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RANA YADAV Son of Rajendra Yadav Resident of village - Sandalpur, P.S.
Kasim Bazar, District - Munger.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Jha, Advocate
For the Informant	:	Mr. Manohar Prasad Singh, Advocate
For the Opposite Party/s	:	Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 08-09-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, Mr. Manohar Prasad Singh, learned counsel for the informant and Mr. Parmeshwar Mehta, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Jamalpur P.S. Case No. 67 of 2020 registered for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code. He is in custody since 24.09.2020.

As per the prosecution story on 19.06.2020 when the informant was at his house he heard some persons assaulting his son near the poultry farm. When the informant along with his family members reached there, they saw that co-accused Santosh

Jha, Rajesh Jha, Rambali Mandal @ Munna Mandal along with four-five unknown persons were assaulting his son by sharp cutting weapon i.e. dabia after putting him down on the earth. His son was shouting but co-accused Rambali Mandal @ Munna Mandal fired upon his son and fled away after giving threat.

Learned counsel for the petitioner submits that this petitioner is not named in the First Information Report. The place of occurrence is the village of the informant which is in different police station from the police station of petitioner though within the same district. Learned counsel submits that no specific overt act has been alleged against the unknown persons in the F.I.R. It is co-accused Rambali Mandal @ Munna Mandal who is said to have shot dead the son of the informant.

Learned counsel submits that the petitioner has been falsely implicated in this case by taking him on remand from another case because of his criminal antecedents. It is submitted that out of nineteen cases, the petitioner has been acquitted in ten cases and in rest of the nine cases which are presently existing, he is on bail in all the cases. In this regard, a supplementary affidavit has also been filed on behalf of the petitioner.

The prayer for bail of the petitioner has been opposed by Mr. Manohar Prasad Singh, learned counsel for the informant and Mr. Parmeshwar Mehta, learned A.P.P. for the State. Both the

learned counsel submits that the petitioner has got huge criminal antecedents and for that reason his prayer for bail is not fit to be allowed.

Considering the facts and circumstances of the case wherein so far as the present case is concerned, the petitioner is not named in the F.I.R., the specific allegation of firing which resulted in killing of the son of the informant has been made against co-accused Rambali Mandal @ Munnal Mandal, the petitioner has remained in custody in connection with this case for almost one year, investigation against him is complete and in the nine cases which are existing against the petitioner, he is said to be on bail, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Munger in connection with Jamalpur P.S. Case No. 67 of 2020 corresponding to G.R. No. 1128 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the

above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that considering his criminal antecedents, it is ordered that henceforth he will mark his attendance with the S.H.O. of Kasim Bazar Police Station in the District of Munger once in every two months. He will furnish his whereabouts information and mobile number to the S.H.O. on regular basis and in case he is required to stay outside the jurisdiction of the police station in connection with his employment or otherwise, the same will be informed to the S.H.O. with his address and mobile number. The S.H.O. of the police station shall keep vigil over the activities of the petitioner and in case it is found that this condition is breached by him or that he has involved himself in any offence during the privilege of bail, the S.H.O. of the Kasim Bazar Police Station shall file an appropriate application in the learned court below itself for cancellation of bail bond of the petitioner. The learned court below shall thereafter take appropriate action in accordance with law.

Let a copy of this order be sent to Superintendent of Police, Munger for onward instruction (s).

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.