

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14775 of 2021**

Arising Out of PS. Case No.-283 Year-2020 Thana- KISHUNPUR District- Supaul

Santosh Kumar Mandal, Male, aged about 35 years, Son of Ramdev Mandal
R/o village- Supaul, Ward No.- 17, P.S.- Supaul, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Anand, Adv.

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

3 04-10-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for short 'APP') for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The petitioner seeks bail in Kishanpur PS Case No. 283 of 2020, instituted for the offence under Sections 399, 402 and 120B of the Indian Penal Code and Sections 25(1-b)a, 26/35 of the Arms Act.

The First Information Report (for brevity 'F.I.R.') is lodged by the police officials stating that a bus was seen wherein certain persons were crying that it is being looted and the same was stopped. It was disclosed that three persons had



boarded the bus with the intention of committing the murder of one Nirdosh Yadav who was travelling in the bus, and is stated to be an accused in murder of one Manoj Yadav. Out of gang rivalry, the three persons had been instructed by the co-accused Santosh Bhaiya from jail to commit murder.

Against the petitioner there is an allegation that he had boarded the bus to disclose the whereabouts and identify Nirdosh Yadav to facilitate the killing. He is stated to be a man of clean antecedents. He is in custody since 17.10.2020. It is also submitted that co-accused, who had boarded the bus with the actual alleged intention of committing the murder, namely, Sanjay Yadav and Manjesh Kumar Yadav, have been allowed bail in Cr. Misc. No. 16794 of 2021.

The learned APP representing the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned



Chief Judicial Magistrate, Supaul, Dist. Supaul, in connection with Kishanpur P. S. Case No. 283 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled

(Madhuresh Prasad, J)

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