

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19483 of 2021**

Arising Out of PS. Case No.-10 Year-2020 Thana- BHAWANIPUR District- Purnia

SHALIGRAM MANDAL S/O LATE SINGHESHWAR MANDAL R/o
village- Asharam Tola Balia, P.S.- Bhawanipur, District- Purnia

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.N.K. Agrawal, Sr. Advocate

Mr.Raj Bansh Dubey, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 23-07-2021 Learned Senior Counsel for the petitioner undertakes
to remove all the defects pointed out by the Stamp Reporter
within four weeks after start of normal functioning of the Court.

Heard learned Senior Counsel for the petitioner and
Mr. Akshay Lal Pandit, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Bhawanipur (Balua) P.S. Case No. 10 of
2020 registered for the offences punishable under Sections 147,
148, 149, 447, 452, 341, 342, 323, 324, 302 and 120B of the
Indian Penal code. He is in custody since 26.09.2020.

Learned Senior Counsel for the petitioner submits that
as per the prosecution story while the informant was sleeping in
the midnight he woke up on hearing some sound and identified
the accused persons who entered in his house. It is further



alleged that when the informant tried to raise alarm co-accused Arun Sharma stuffed his mouth and tied him with cot. It is alleged that co-accused Hira Mandal and Siyaram Sharma pierced knife in the neck of his mother while she was sleeping.

Learned Senior Counsel for the petitioner submits that the petitioner was not involved in the present case, he has no motive to participate in the alleged occurrence. It is further submitted that there is no specific allegation against the petitioner and the specific allegation of piercing the knife has been made against co-accused Siyaram Sharma and Hira Mandal. It is submitted that the petitioner has only been identified by the informant present in the course of occurrence but no overt act has been alleged against him.

It is further submitted that co-accused similarly situated namely Pukar Paswan has been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 26615 of 2020.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case, there being no specific allegation of commission of overt act against this petitioner, he has otherwise no criminal antecedent and has remained in custody



in connection with this case since 26.09.2020, the co-accused has been granted privilege of anticipatory bail, thus, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnia in connection with Bhawanipur (Balua) P.S. Case No. 10 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

The application stands allowed.

(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'.

