

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21024 of 2021

Arising Out of PS. Case No.-153 Year-2020 Thana- ALAMNAGAR District- Madhepura

Chhotelal Mandal @ Mancho Kumar, S/O Uchit Lal Mandal, R/O Village
Shital Basa, Ward No 03, P.S Alamnagar, District-Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 03-11-2021 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Alamnagar P.S. Case No. 153 of 2020 registered for the offences punishable under Section 341, 323, 304, 201, 504, 506, 34 of the Indian Penal Code and 27 of the Arms Act. He is in custody since 14.07.2020 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, when the husband of the informant was going to sleep, the petitioner had taken him in the field and killed him by electric current. The informant alleged that the Sarpanch namely, Pankaj Kumar Sharma told her not to file the First Information Report. The informant informed the officers through Post regarding the occurrence, then on 13.07.2020 in the night petitioner along with his associates



came at the house of the informant and abused her and dragged her outside, one of the petitioner's associates fired upon her. The informant further alleged that all the accused persons fled away but the petitioner was caught by the people with his motorcycle and handed over to police.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, the husband of the informant allegedly died due to coming in contact with electric wire on 20.06.2020 but no F.I.R. was lodged in that respect raising any suspicion against the petitioner, however petitioner is in custody since 14.07.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this court has noticed the submission of learned counsel for the petitioner that in this case the husband of the informant allegedly died due to coming in contact with electric wire on 20.06.2020, however no F.I.R. was lodged in that respect raising any suspicion against the petitioner, so far as the alleged occurrence of 13.07.2020 is concerned, the same seems to be highly improbable and the submission is that the petitioner has been falsely implicated in this case, he has got no criminal



antecedent and has remained in custody in connection with this case since 14.07.2020, investigation against him is complete, but the trial is not likely to take place in near future, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – 1st, Udakishunganj, Madhepura, in connection with Alamnagar P.S. Case No. 153 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

