

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22538 of 2021

Arising Out of PS. Case No.-271 Year-2019 Thana- ALAMNAGAR District- Madhepura

SHANKAR MANDAL S/o Late- Nankeshwar Mandal R/o Village- Gangapur
Kachahri Tola, P.S.- Alamnagar (Ratwar O.P.), District- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vikramdeo Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 07-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Alamnagar (Ratwara O.P.) P.S. Case No. 271 of 2019 registered for the offences punishable under Sections 341, 323, 324, 307, 504/34 of the IPC and Section 27 of the Arms Act.

There is allegation that co-accused caught hold the informant's husband and petitioner fired bullet upon him which hit him on the chest.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has



falsely been implicated in the present case. It is further submitted that there is no eye witness of the occurrence and the whole case is totally mala fide and concocted. Learned counsel further submits that it appears from the FIR itself that alleged occurrence took place on 31.10.2019 and the present FIR has been lodged on 02.11.2019. Petitioner is in custody since 13.10.2020. Charge sheet has been submitted in this case.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries one criminal antecedent.

Considering the aforesaid facts and circumstances as well as period of custody, 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 Additional Chief Judicial Magistrate, Udakishunganj, District Madhepura in connection with Alamnagar (Ratwara O.P.) P.S. Case No. 271 of 2019 , subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two



consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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