

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24592 of 2021

Arising Out of PS. Case No.-142 Year-2019 Thana- SHEOHAR District- Sheohar

RAJESH KUMAR MANDAL, S/o Sukul Mandal, R/o village- Jihuli, P.S.-
Patahi, District- Motihari (East Champaran).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar, Adv.

For the Opposite Party/s : Mr.Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-08-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 307/34 of the Indian Penal
Code.

Prosecution case, in brief, is that on 29.06.2019 at
about 10.30 hours two persons on Apache Motorcycle came at
his shop and demanded food with two-two pieces meat. The
informant served the food. Thereafter, both the persons asked
about bill, then the informant asked for Rs.90/-. They gave
Rs.90/- with threatening. After ten-fifteen minutes again both
came on Apachi Motorcycle and stopped the motorcycle in front
of the hotel of the informant and told that he is owner, who is
closing the shop. One person shot the informant is his left thigh



and both fled away towards Zero mile.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is not named in the FIR. There is no any incriminating articles or looted money and documents have been recovered from the conscious possession of the petitioner or from his house. There is no T.I. Parade till date and there is general and omnibus allegation against the petitioner. The petitioner is languishing in judicial custody since 28.01.2020. The petitioner has got 04 criminal antecedents which is mentioned in para 3 of the bail petition.

Learned APP for the State vehemently opposed the prayer for bail application.

Considering the fact that there is general and omnibus allegation against the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Sessions Trial No.45/2020 arising out of Sheohar P.S. Case No. 142/2019 to the satisfaction of learned Court below where the case is pending/ successor Court; subject to the following conditions:

- (1) that one of the bailors will be a close relative



of the petitioner, who will be given an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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