

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26352 of 2021

Arising Out of PS. Case No.-192 Year-2020 Thana- BIRPUR District- Supaul

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1. Niraj Mandal @ Niraj Kumar Son of Umesh Mandal Resident of Village - Balua Bazar, P.S. - Balua Bazar, Dist. - Supaul.
 2. Mukesh Kumar @ Mukesh Kumar Mandal Son of Suresh Mandal Resident of Village - Balua Bazar, P.S. - Balua Bazar, Dist. - Supaul.

... .. Petitioner/s

Versus

The State of bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha

For the Opposite Party/s : Mr. Rajendra Pd. Nat A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 29-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioners seek bail in Birpur (Balua Bazar) P.S. Case No. 192 of 2020, registered for the offence under Sections 302, 201, 120B, 34 of the Indian Penal Code.

As per the prosecution case, on 01.09.2020, the informant received an information that his son Anand Kumar has been killed, whereupon, he reached at the place of occurrence and saw the dead-body of his son. On being inquired, the informant came to know that his son had gone with co-accused Dilip Mandal, Santosh Mukhiya and Chhotu Gupta to the house of petitioners, who are brother-in-law of co-accused



Dilip Mandal and it is alleged that all the accused persons committed the murder of son of the informant.

It is submitted on behalf of petitioners that petitioner has been made accused only on suspicion. As per FIR itself, informant is not the eye-witness to the occurrence and he has not disclosed the source of information and at best, it is case of 'last seen' with the deceased. As per *post-mortem* report, no injury has been found on the person of deceased and the doctor has reserved the opinion, as the viscera was sent for chemical examination. Petitioners have got clean antecedent and they are in custody since 02.09.2020. Chargesheet has already been submitted.

Learned A.P.P. for the State has opposed the bail petition.

Considering the nature of allegation and the materials, which were collected during course of investigation, the bail petition of petitioners is allowed. Let the above named petitioners be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Birpur, Supaul in connection with Birpur (Balua Bazar) P.S. Case No. 192 of 2020, on the following conditions:



“(1) Petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on their absence on two consecutive dates without sufficient reason, their bail-bond shall be cancelled by the court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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