

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26374 of 2021

Arising Out of PS. Case No.-249 Year-2018 Thana- KHARIK District- Bhagalpur

Bahadur Mandal Son Of Pagal Mandal R/O Village- Shermari, P.S- Kursela,
District- Katihar, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghwendra Pratap Singh

For the Opposite Party/s : Mr. Ramchandra Sahni 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 petitioner seeks bail in Kharik P.S. Case No. 249 of 2018, registered for the offence under Sections 302, 201/34, 120(B) of the Indian Penal Code.

As per the prosecution case, on 24.10.2018 at about 6:30 PM, after receiving a phone call, the son of the informant went outside of the house, but he did not return. The informant searched her son, but could not succeed. Subsequently, on 26.10.2018, the dead-body of son of the informant was found lying in a banana field near railway *gumati*. The informant suspects that FIR named accused persons have committed the murder of her son due to enmity.

Petitioner is not named in the FIR. Name of the



petitioner has come during course of investigation on the basis of confessional statement of co-accused Mithun Mandal and co-accused Mithun Mandal and Guddu Mandal have already been granted bail by a coordinate Bench of this Court, vide order dated 14.08.2019 passed in Cr.Misc. No. 26020 of 2019 (Annexure – 2 to the bail petition). The only material, which has come against the petitioner, is that he was last seen with the deceased. Save and except this, there is no other material against the petitioner to show his complicity in the aforesaid crime. Petitioner is in custody since 16.01.2021.

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

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. Let the above named petitioner 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 learned S.D.J.M., Naugachia, Bhagalpur in connection with Kharik P.S. Case No. 249 of 2018, on the following conditions:

“(1) Petitioner 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 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.”

(Prabhat Kumar Singh, J.)

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