

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30153 of 2021

Arising Out of PS. Case No.-209 Year-2019 Thana- PIPRA District- Supaul

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MUKESH MANDAL @ MUKESH KUMAR MANDAL SON OF
MAHENDRA MANDAL R/O VILLAGE- AMAHA WARD NO.-09, P.S.-
PIPRA, DISTRICT- SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Naresh Kumar Mehta

For the Opposite Party/s : Mrs. Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 24-08-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 302/34 of the Indian Penal
Code.

As per the prosecution case, this petitioner along with
co-accused, Tuntun Mandal, came on the Darwaza of the
informant and took his uncle, Nunulal Mandal, on their motor
cycle. The informant alleged that petitioner and his friend killed
his uncle by giving him excessive wine and threw his dead
body.

Learned counsel appearing for the petitioner submits
that petitioner is innocent and has falsely been implicated in the
case. It is submitted that informant is not an eye witness of the



occurrence and there is no evidence that this petitioner forced Nunulal Mandal to take wine rather Nunulal Mandal himself took wine and while going to his house he fell down and died. The post mortem report does not support the prosecution case as no external or internal injury was found on the body of deceased. Similarly situated accused, Tuntun Mandal, has already been granted bail by this court vide order dated 02.06.2020 passed in Cr. Misc. No. 9725/2020. Petitioner is in custody since 05.01.2021 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail and submits that this petitioner was one of the accused who took the deceased on motor cycle and thereafter the dead body of deceased was found.

Considering the facts that of the case, the period of custody of the petitioner and the fact that there is no evidence that this petitioner forced Nunulal Mandal to take wine and during the post mortem no external or internal injury was found on the person of the deceased, 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 Additional Chief Judicial Magistrate - VI, Supaul



in connection with Pipra PS case No. 209/2019 on 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/ her absence on two consecutive dates without sufficient reason, his/her 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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