

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32279 of 2021

Arising Out of PS. Case No.-166 Year-2020 Thana- KAHALGAON District- Bhagalpur

1. VARUN MANDAL Son of Sri Deep Narayan Mandal Resident of Village- Udayrampur, Kodwar, P.S.- Ghogha, District- Bhagalpur.
2. Vijay Mandal Son of Sri Sahdeo Mandal Resident of Village- Udayrampur, Kodwar, P.S.- Ghogha, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-12-2021 Today being Friday, matters are being taken up through virtual mode as per current procedure for hearing.

Heard learned counsel for the petitioners and learned APP for the State.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in connection with Kahalgaon (Ghogha) P.S. Case No. 166 of 2020 registered under Sections 363, 302, 201, 506 and 34 of the Indian Penal Code.

The son of the informant went to play in the middle



school but did not return. Next day, while informant was going to inform the police, he came to know that the dead body of his son was lying in bamboo bush of Ajay Kumar situated near the school. The informant suspected that instant petitioners along with others have committed the murder of his son.

Learned petitioners' counsel submits that the petitioners have falsely been implicated in this case only on the basis of suspicion. He has further submitted that similarly situated co-accused Rajendra Mandal has already been allowed bail in Cr. Misc. No. 34447/2020. The submission is that there is no eye-witness of the occurrence and nobody saw any person killing Pritam Mandal, the son of the informant. Petitioners are in custody since 07.12.2020 and petitioner no. 1 has a criminal antecedent and he is on bail in that case, while petitioner no. 2 has no criminal antecedents.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners are allowed. Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of learned C.J.M., Bhagalpur or Successor Court in Kahalgaon (Ghogha) P.S. Case No. 166 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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