

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.35976 of 2020**

Arising Out of PS. Case No.-22 Year-2020 Thana- ALAMNAGAR District- Madhepura

Sadanand Mandal son of Late Naresh Mandal Resident of Village-
Shankarpur Madheli Diyara Ward No. 11, P.S.- Alamnagar, District-
Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 07-07-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Alamnagar P.S. Case No. 22 of 2020 registered
for the offences punishable under Sections 302, 201 and 120(B)
of the Indian Penal Code.

As per the prosecution story, the brother of the
informant went to Bispatti to drop sister-in-law of one Pinku
Mandal to her home. But the brother of the informant did not
return till 7.30 pm and when the informant asked Pinku Mandal



about his brother then he said that his brother had left from Bispatti an hour ago. The informant and his family members started to search for his brother and found his dead body near canal bridge.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on mere suspicion. It is further submitted that the petitioner is not named in the F.I.R. and nothing has been recovered from his conscious possession. Learned counsel submits that the petitioner is in custody since 13.02.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the petitioner is not named in the F.I.R. and it is the submission of learned counsel for the petitioner that he has been falsely implicated on mere suspicion, the submission of learned A.P.P. for the State saying that in paragraph '54' of the case diary the S.D.P.O. has mentioned the name of this petitioner but it is not known on what basis the name of the petitioner has been brought in this case, the petitioner has otherwise no criminal antecedent and has remained in jail in



connection with this case since 13.02.2020, investigation against him is complete but the trial is not likely to take place in near future, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Udakishunganj, Madhepura-III in connection with Alamnagar P.S. Case No. 22 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal



antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

