

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36113 of 2020**

Arising Out of PS. Case No.-114 Year-2020 Thana- LAXMIPUR District- Jamui

PAWAN KUMAR MANDAL @ PAWAN MANDAL S/o BHOLA MANDAL
RESIDENT OF VILLAGE - MAHISOURI, WARD NO. 14, P.S. JAMUI,
DISTT - JAMUI

... .. Petitioner

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr. Advocate Mr. Kumar Kamal Nayan, Advocate
For the Opposite Party/s	:	Mr. Mithlesh Kumar Khare, APP
For the Informant	:	Mr. Pramod Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

4 04-03-2021 Heard learned Senior Counsel for the petitioner and the learned Counsel for the State as also the learned Counsel appearing on behalf of the informant.

This Court would expect that the petitioner's 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.

Petitioner seeks bail in Laxmipur PS Case No. 114 of 2020 registered under Sections 302, 120B/34 of the IPC and Section 27 of the Arms Act.

Brother of the deceased is the informant. He has cast suspicion on the petitioner and his father, who are his cousin and uncle respectively, based on existing land dispute, alleging that these accused persons have already been in forceful occupation of the land of the informant.

Learned Senior Counsel for the petitioner submits that apart from suspicion, during course of investigation, statement of co-accused has been recorded, in which it is alleged that the petitioner's



complicity has been stated. Statement of co-accused has got no evidentiary value. Petitioner is in custody since 26.3.2020 and he has no criminal antecedent. Co-accused Anil Bakshi, who has stated about petitioner's complicity, has been allowed bail vide Cr. Misc. No. 33819 of 2020.

Learned Counsel for the informant and the learned APP for the State have submitted that the petitioner is the main accused and therefore he cannot escape his criminal liability.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner 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 Sri A.K.Raj, Judicial Magistrate, Jamui in Laxmipur PS Case No. 114 of 2020 subject to the following conditions:-

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

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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