

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38824 of 2020**

Arising Out of PS. Case No.-124 Year-2020 Thana- DHURAIYA District- Banka

=====

RANJAN MANDAL Son of Late Puran Mandal Resident of Village- Pair,
P.S.- Dhoraiya, District- Banka.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

=====

with

CRIMINAL MISCELLANEOUS No. 3931 of 2021

Arising Out of PS. Case No.-124 Year-2020 Thana- DHURAIYA District- Banka

- =====
1. RAJEEV MANDAL Son of Ranjan Mandal Resident of Village- Pair, P.S.-
Dhoraiya, District- Banka.
 2. Chhotu Mandal Son of Mantun Mandal Resident of Village- Pair, P.S.-
Dhoraiya, District- Banka.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 38824 of 2020)

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 3931 of 2021)

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 14-07-2021 Learned counsel for the petitioners 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 petitioners and learned

A.P.P. for the State.



Petitioners in the present case are seeking regular bail in connection with Dhoraiya P.S. Case No. 124 of 2020 registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

As per the prosecution story, father of the informant was grazing cattle in a barren field. When the informant came to field to send his father home he saw these petitioners and other co-accused persons assaulting his father by fists and slaps. The informant and his friends rushed to save his father but till then the petitioners had killed the father of the informant by strangulating him and fled away.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is further submitted that there is no specific allegation against these petitioners. Learned counsel submits that the petitioners are in custody since 08.08.2020 and 31.05.2020 respectively having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein learned counsel for the petitioners has submitted that there are general and omnibus kinds of allegation against



the petitioners and all other named and unnamed accused persons, the learned A.P.P. for the State has endorsed after going through the case diary that no specific allegation has come against the petitioners, the petitioners have otherwise no criminal antecedent and have remained in custody since 08.08.2020 and 31.05.2020 respectively, investigation against them is complete but the trial is not likely to be concluded in near future, let the petitioners above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Banka in connection with Dhoraiya P.S. Case No. 124 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rishi/-

U		T	
---	--	---	--

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'.

