

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9146 of 2021

Arising Out of PS. Case No.-699 Year-2019 Thana- JAMUI District- Jamui

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KANTU MANDAL @ SRI KANT RAWAT SON OF NARAYAN
MANDAL@ NARAYAN RAWAT RESIDENT OF VILLAGE CHHATHU
DHANAMA, P.S.- AND DISTT.- JAMUI

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Prabhat Ranjan Singh, Advocate
For the Opposite Party/s	:	Ms. Sangeeta Sharma, APP
For the Informant	:	Mr. Narsingh Tanti, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 02-08-2021

In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Senior Counsel for the petitioner and the learned APP for the State as well as learned Counsel for 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 Jamui PS Case No. 699 of 2019 registered under Sections 147, 148, 149, 302, 120B of the IPC and Section 27 of the Arms Act.

The informant has alleged that two co-accused persons namely Parmanand Mandal and Alok Sao have called his father from home, whereafter he has heard the sound of gun shot. He alleges that on rushing to the place of occurrence he saw that nine named accused persons, including the petitioner, along with 3 – 4 unknown persons had caught hold of his father and killed him by firing upon him.



Learned Senior Counsel for the petitioner submits that it is a case of false implication. The petitioner has no criminal antecedent. It is submitted that the allegation is of killing by at least nine named persons, whereas only one gun shot injury has been found on the deceased. Petitioner's implication is only for the fact that the occurrence has taken place near his house. This fact has also come in the case diary during course of investigation that killing has occurred near his house.

Learned APP as well as learned Counsel for the informant have submitted that the petitioner was seen carrying fire arm and there is specific allegation that he along with others have killed informant's father. The occurrence is also stated to have been committed near his house.

Considering the rival submissions as also the fact that similarly situated co-accused Mani Yadav has been allowed bail in Cr. Misc. No. 37292 of 2020, 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 CJM Jamui in Jamui PS Case No. 699 of 2019 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.

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(Madhuresh Prasad, J)

