

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3000 of 2022

Arising Out of PS. Case No.-6 Year-2020 Thana- MORKAHI District- Khagaria

NAVIN MANDAL Son of Chhanguri Mandal Resident of Village - Balaur,
P.S. - Morkahi, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abdul Mannan Khan
		Mr. Binay Kumar
For the Opposite Party/s	:	Mr. Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-06-2022 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 302/34 of the Indian Penal Code and section 27 of the Arms Act.

Allegedly, petitioner and co-accused persons entered into the house of the informant in the night and committed murder father of the informant by causing firearm injury to him who died at the spot and petitioner is alleged to be one of the assailants.

The main submissions advanced by the learned counsel for the petitioner are that earlier prayer for bail of this petitioner was rejected by a coordinate bench of this court vide order dated 10.03.2021 passed in Cr. Misc. no. 38590 of 2020 in which this court directed the trial court to expedite the trial of the petitioner and also gave liberty to the petitioner for renew his prayer for bail, if his trial



is not concluded within nine months from the date of receipt/production of a copy of that order and in the present case, petitioner has been languishing in jail since 20.2.2020.

Learned APP opposes the prayer for bail.

Heard both sides and perused the FIR as well as documents annexed to the bail petition. Though the present case relates to murder but as per direction of this court passed in the above mentioned miscellaneous cases trial of the petitioner has not been concluded and the same is pending for prosecution evidence while petitioner was given liberty to renew his prayer for bail, if his trial is not concluded in the stipulated period fixed by this court in the above stated criminal miscellaneous petition and as per para 3 of the petition, petitioner has one criminal antecedent in which he is on bail and as per post mortem report of the deceased main injuries found on the body of the deceased are alleged to have been caused by co-accused which were found on the vital part of the body. In the light of these facts, in my view, lenient approach may be taken in respect of petitioner.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub divisional Judicial Magistrate, Khagaria in Morkahi P. S. Case No. 06 of 2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent apart from Morkahi P. S Case no. 71 of 2015 of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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