

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8016 of 2022**

Arising Out of PS. Case No.-155 Year-2021 Thana- AAJAM NAGAR District- Katihar

1. BHIM MANDAL @ BHIM LAL MANDAL SON OF LATE MAHESH LAL MANDAL R/O VILLAGE- KHARSAUTA, P.S.- AZAM NAGAR, DIST.- KATIHAR
2. SHYAM MANDAL SON OF BHIM MANDAL R/O VILLAGE- KHARSAUTA, P.S.- AZAM NAGAR, DIST.- KATIHAR
3. PANKAJ MANDAL SON OF BHIM MANDAL R/O VILLAGE- KHARSAUTA, P.S.- AZAM NAGAR, DIST.- KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 8600 of 2022

Arising Out of PS. Case No.-155 Year-2021 Thana- AAJAM NAGAR District- Katihar

1. AANTLAL MANDAL @ AANANTLAL MANDAL Son of Mahesh Mandal Resident of Village - Kharsota, P.s.- Aazam Nagar, Distt.- Katihar.
2. Suren Mandal Son of Jivlal Mandal Resident of Village - Kharsota, P.s.- Aazam Nagar, Distt.- Katihar.
3. Subhash Sharma Son of Late Shiv Lal Sharma Resident of Village - Kharsota, P.s.- Aazam Nagar, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 8016 of 2022)

For the Petitioner/s : Mr.Bhola Prasad

For the Opposite Party/s : Mr.Shantanu Kumar

(In CRIMINAL MISCELLANEOUS No. 8600 of 2022)

For the Petitioner/s : Mr.Jitendra Kumar Pandey

For the Opposite Party/s : Mr.Md. Mushtaque Alam

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 23-08-2022

IN CR. MISC. NO. 8016 OF 2022

Heard learned counsel appearing on behalf of the
petitioners and learned APP appearing on behalf of the State.



Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Azam Nagar P.S. Case No. 155 of 2021 registered for the offence under Sections 302/201/120(B)/34 of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and petitioner no.1 and petitioner no.2 are in custody since 17.09.2021 and petitioner no.3 is in custody since 22.09.2021.

The allegation against the petitioners is to commit murder of the father-in-law of the informant, due to previous standing land dispute along with other co-accused persons.

Learned counsel appearing on behalf of the petitioners submitted that there was land dispute with the deceased, surfacing the suspicion to implicate the petitioners in the present case. It is also submitted that informant is not the eye-witness of the occurrence. It is also submitted that nothing surfaced during course of investigation, which may connect the petitioners, *prima-facie* with the present set of occurrence. It is also submitted that petitioners are man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering



with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that informant is not the eye-witness of the occurrence.

Considering the facts and circumstances as mentioned above, as implication is based upon the suspicion due to previous standing land disputes, where informant is not the eye-witness coupled with the fact that charge-sheet has already been submitted, let all theses petitioners, above named, are directed to be released on bail in connection with Azam Nagar P.S. Case No. 155 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Katihar/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

IN CR. MISC. NO. 8600 OF 2022

Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Azam Nagar P.S. Case No. 155 of 2021 registered for the offence



under Sections 302/201/120(B)/34 of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and petitioners are in custody since 12.08.2021 and 07.09.2021, respectively.

The allegation against the petitioners is to commit murder of the father-in-law of the informant, due to previous standing land dispute along with other co-accused persons.

Learned counsel appearing on behalf of the petitioners submitted that there was land dispute with the deceased, surfacing the suspicion to implicate the petitioners in the present case. It is also submitted that informant is not the eye-witness of the occurrence. It is also submitted that nothing surfaced during course of investigation, which may connect the petitioners, *prima-facie* with the present set of occurrence. It is also submitted that petitioners are man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that informant is not the eye-witness of the occurrence.



Considering the facts and circumstances as mentioned above, as implication is based upon the suspicion due to previous standing land disputes, where informant is not the eye-witness coupled with the fact that charge-sheet has already been submitted, let all theses petitioners, above named, are directed to be released on bail in connection with Azam Nagar P.S. Case No. 155 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Katihar/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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