

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9197 of 2022

Arising Out of PS. Case No.-97 Year-2020 Thana- SULTANGANJ District- Bhagalpur

1. Chitranjan Mandal Son of Late Ramswaroop Mandal Resident of Sultanganj, in front of Post Office, Police Station- Sultanganj, District- Bhagalpur.
2. Punam Devi W/o Chitranjan Mandal Resident of Sultanganj, in front of Post Office, Police Station- Sultanganj, District- Bhagalpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Davendra Kumar Pandey, Advocate.
For the Opposite Party/s : Mr.Umesh Lal Verma, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 29-06-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners seek regular bail in connection with Sultanganj P.S. case no. 97 of 2020 registered for the offences punishable under Sections 341, 323, 307 of the Indian Penal Code and Section 27 of the Arms Act.

As per allegation co-accused namely Laxman Mandal fired at his brother who later on died during the course of medical treatment and on getting the information of incident the



informant, assistant Sub Inspector of Sultanganj P.S. arrived at the spot and found co-accused's brother being in injured position who revealed the name of co-accused Laxman Mandal as being the main assailant and later on the role of both the petitioners in the alleged crime surfaced as instigators.

The main submissions advanced by learned counsel for the petitioners are that in the FIR both the petitioners are not named, they are parents of the deceased, as per FIR the main incident took place between deceased and his brother on account of a family dispute and the informant, who is a police officer, claimed to have got an information of the incident orally from the deceased himself and according to the informant both the petitioners were not involved in the alleged murder. Further submission is that petitioner no. 1 is father of the deceased and petitioner no. 2 is step mother, and both have been languishing in jail since 31.7.2020 and the charge-sheet has been submitted.

Learned APP has opposed the prayer for bail.

In view of the above submissions and mainly considering the fact that both the petitioners are not named in the FIR and according to the informant, who firstly got the information of the incident from the injured, the injured did not disclose the name of both the petitioners as being involved in



the alleged murder and according to him the main assailant causing fire arm injury to the deceased was the brother of the deceased and also considering the petitioner's custody period and the stage of their case, in my view a lenient approach can be taken in respect of the petitioners' prayer, 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 concerned Court in connection with Sultanganj P.S. case No. 97 of 2020 on the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

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

(Shailendra Singh, J)

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