

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11403 of 2022**

Arising Out of PS. Case No.-181 Year-2021 Thana- BIHARIGANJ District- Madhepura

TULSI MANDAL Son of Radha Raman Mandal Resident of Village - Kamla
Kund, P.s.- Bihariganj, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 24-08-2022 The present matter has been listed under the heading
“To Be Mentioned” on the basis of motion slip filed on behalf of
the petitioner on the ground of illness of petitioner's father.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Bihariganj P.S. Case No. 181 of 2021 registered for the offences
punishable under Sections 147, 148, 149, 302 of the Indian
Penal Code and 27 of the Arms Act.

As per prosecution case, there is accusation against
the petitioner and others to have dragged the informant's father
Sudhir Mandal on road. It is further alleged that co-accused



Vipin Mandal fired from his katta upon informant's father which hit on his head as a result of which informant's father died on the spot.

Learned counsel for the petitioner submits that petitioner is in custody since 17.08.2021 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. There is no specific allegation of any overt-act against the petitioner. The allegations are of general and omnibus in nature. Specific allegation of firing has been levelled against co-accused Vipin Mandal.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, nature of allegation, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in



connection with Bihariganj P.S. Case No. 181 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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