

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12369 of 2022

Arising Out of PS. Case No.-131 Year-2020 Thana- KURSAILA District- Katihar

1. Bikash Mandal S/o Manoj Mandal @ Hagan Mandal Resident of Village - Balthi maheshpur Nawtolia P.S. - Kursela, District - Katihar.
2. Lilesh mandal @ Nilesh Mandal S/o Manoj Mandal @ Hagan Mandal Resident of Village - Balthi maheshpur Nawtolia P.S. - Kursela, District - Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Mishra
For the Opposite Party/s : Mr. Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 14-09-2022 A supplementary affidavit has been filed across the

board.

Let it be kept on record.

Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with Kursela

P.S. Case No. 131 of 2020, registered for the offences

punishable under Sections 302, 201/34 of Indian Penal

Code.

As per the prosecution case, emerging from the

F.I.R. the accused Bikash Mandal, Lilesh Mandal, Kumod



Mandal and Manish Mandal visited to the house of the victim/deceased and demanded mobile and money and accused Bikash Mandal and Lilesh Mandal threatened to kill him and at the time of threatening co-accused, Kumod Mandal and Manish Mandal were present there. However, the date of threatening is not mentioned in the F.I.R. It is further alleged that at 07.00 P.M. on 18th July, 2020, the deceased had stated to the informant that he would come soon but he could not come till night. Consequently, next date i.e. on 19.07.2020, the informant started searching his son and found his dead body thrown in water near Mahesh Sthan.

The learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case only on the basis of suspicion. There is no concrete evidence against them. He further submits that co-accused, Kumod Mandal and Manish Mandal have already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 20.02.2021, passed in Cr. Misc. No. 38401 of 2020. He also submits that the petitioners have been



languishing in jail since 05.11.2021 and 17.11.2021, respectively. He further submits that investigation is complete and still no material has been collected by the Police which may connect the accused-petitioners with the alleged offence. At most, there is only circumstantial evidence that he was last seen together with the accused-petitioners including the petitioners but there is no other evidence.

It is also stated in paragraph no. 2 of the petition that the petitioners have never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioners have no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer for bail submitting that there is strong circumstantial evidence to point out that the accused-petitioners are culprit of the alleged offence.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on



bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J. VIII, Katihar in connection with Kursela P.S. Case No. 131 of 2020 (G.R. (SOS)) Case No. G.R. No. 2883 of 2020 and S.T. No. 37 of 2022, **after framing of charge, if not framed**, on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court



below that the petitioners have any criminal antecedents, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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