

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11033 of 2022

Arising Out of PS. Case No.-211 Year-2021 Thana- PALASI District- Araria

NUNULAL MANDAL SON OF LATE LELHU MANDAL R/O -
DHANGAMA, WARD NO.2, P.S.- PALASI, DISTRICT- ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Ravish
		Mr.Sanjay Kumar Sharma
For the Opposite Party/s :		Mr.Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 29-09-2022 The present matter has been listed under the heading
“To Be Mentioned” on the basis of mention slip filed on behalf
of the petitioner.

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 Palasi
P.S. Case No. 211 of 2021 registered for the offences punishable
under Sections 363, 302, 364(A), 201/34 of the Indian Penal
Code.

As per prosecution case, there is accusation against
the petitioner and others to have kidnapped the informant's



minor son Anil Kumar Mandal.

Learned counsel for the petitioner submits that petitioner is in custody since 21.10.2021 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that there is no eye witness of the alleged occurrence. There is no material against the petitioner and he has falsely been implicated in this case due to previous animosity on account of village politics. He further submits that there is no recovery of any incriminating article from possession of the petitioner. He further submits that co-accused Suraj Kumar Mandal on similar allegation has already been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No. 11331 of 2022. He further submits that except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the petitioner with the alleged crime.

The learned A.P.P. for the State 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, charge sheet has been submitted in the case and there



is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides 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 Additional Chief Judicial Magistrate, 1st Araria in connection with Palasi P.S. Case No. 211 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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