

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12571 of 2022

Arising Out of PS. Case No.-188 Year-2021 Thana- KAHALGAON District- Bhagalpur

BHAIRO MANDAL, Son of Late Suraj Mandal Resident of village -
Mirjapur, P.S. - Ghogha, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal

For the Opposite Party/s : Mr. Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 03-08-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with
Kahalgaon (Ghogha) P.S. Case No. 188 of 2021, registered
for the offences punishable under Sections 302, 120(B) and
34 of the IPC and Section 27 of the Arms Act.

As per the FIR, on 14.03.2021 at about 11.30
P.M., it is alleged that the deceased was killed by gun shot
and on hearing the sound of firing, the informant saw
through the window that the petitioner along with other FIR
named accused persons, armed with weapons, were coming
out of the house of the deceased through the courtyard.



The learned counsel for the petitioner submits that the petitioner is innocent and falsely been implicated in this case. He further submits that the informant is not an eye witness to the alleged occurrence and the petitioner has been made accused only on the basis of suspicion. He also submits that there is no substantive evidence against the petitioner. He further submits charge-sheet has already been submitted and the petitioner is languishing in jail since 13.07.2021, i.e. for more than a year. He further submits that one of the co-accused persons, namely, Mukul Mandal has already been enlarged on bail by a Bench of this Court *vide* order dated 06.12.2021, passed in Cr. Misc. No. 54526 of 2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier 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 petitioner has no criminal antecedent.

However, the learned APP for the State opposes the prayer for bail.



Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-V, Bhagalpur in connection with Kahalgaon (Ghogha) P.S. Case No. 188 of 2021 on the following conditions:

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

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

(iii) The petitioner 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 him 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 petitioner has any criminal antecedent, the



learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his 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 petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects 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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