

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18334 of 2022

Arising Out of PS. Case No.-493 Year-2021 Thana- AMARPUR District- Banka

1. Bablu Mandal Son of Late Bandhu Mandal Resident of Village - Gangapur Gathail, P.s.- Amarpur, Distt.- Banka.
2. Dablu Mandal Son of Late Bandhu Mandal Resident of Village - Gangapur Gathail, P.s.- Amarpur, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Balram Kapri, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-08-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of
four weeks from today.

At the outset, learned counsel for the petitioners
submitted that, inadvertently, in paragraph no.12 of the bail
petitioners, custody of petitioner no.2 has been wrongly typed as
06.01.2021 instead of 06.01.2022.

Accordingly, learned counsel for the petitioners is
permitted to make necessary correction in paragraph no.12 of



the bail petition during the course of the day itself.

The petitioners seek bail in connection with Amarpur P.S. Case No. 493 of 2021 registered for the offence under Sections 302, 201 and 34 of Indian Penal Code.

The accused/petitioners are named in the F.I.R., where petitioner no.1 is in custody since 26.11.2021 and petitioner no.2 is in custody since 06.01.2022.

The allegation against the petitioners is to commit murder of husband of the informant, in the background of previous enmity.

Learned counsel appearing on behalf of the petitioners submitted that, admittedly, informant is not the eye witness of the occurrence and the basis of entire allegation is mere suspicion, as altercation took place between the deceased and petitioners, ten days earlier to alleged occurrence. It is submitted that nothing incriminating surfaced during the course of investigation, which may connect the petitioners with the present set of occurrence. While concluding the argument, it is submitted that petitioners are persons of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.



Learned APP appearing on behalf of the State, while opposing the prayer for bail, fairly conceded that informant is not the eye witness of the occurrence.

In view of the facts and circumstances, as mentioned above, as informant is not the eye witness of the occurrence and further nothing surfaced during the course of investigation, which may connect the petitioners, *prima facie*, with the present set of occurrence coupled with the fact that petitioners are persons of clean antecedent where chargesheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Amarpur P.S. Case No. 493 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka/concerned Court, subject to the following conditions:

“(i) That accused/petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioners, duly supported by



the documents.

(ii) That one of the bailors shall be Kushama Devi, who is the mother of petitioners and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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