

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29004 of 2021

Arising Out of PS. Case No.-178 Year-2020 Thana- KURSAILA District- Katihar

1. BINO MANDAL @ BINOD KUMAR MANDAL Son of Chhatish Mandal Resident of Village - Kursela Basti, Paschim Tola, P.S.- Kursela, District - Katihar
2. Mithun Mandal @ Mithun Kumar Mandal Son of Chhatish Mandal Resident of Village - Kursela Basti, Paschim Tola, P.S.- Kursela, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 03-01-2022 Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code.

As per the prosecution case, it is stated that while his son was going to the *Basa* to sleep, his brother Chhatish Mandal along with his three sons which included the two petitioners herein killed his son and placed the dead body in the *Basa* of Madhusudan Mandal. This was due to previous land dispute.

It is submitted by learned counsel for the petitioners that from the FIR itself it would be evident that the petitioners have been falsely implicated in the case because of land dispute between the parties who are agnates, the informant being the uncle of the two petitioners herein. Admittedly he is not an eye witness to the



occurrence and an unfounded suspicion has been raised by him. The petitioners are in custody since 28.11.2020 and have no criminal antecedent. Chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the material that has transpired in course of investigation together with the petitioners having remained in custody for over 1 year, the petitioners are directed to be enlarged on bail in connection with Kursela P.S. Case no. 178 of 2020 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar.

It is further directed that the petitioners shall cooperate in the trial and in case the learned trial court is of the opinion that the trial is being delayed due to non cooperation on part of the petitioners, the learned trial court may cancel the bail bond of the petitioners and take them into custody till conclusion of the trial.

(Partha Sarthy, J)

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