

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30857 of 2021

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

1. CHHATISH MANDAL SON OF LATE SINGHESHWAR MANDAL
RESIDENT OF VILLAGE- KURSELA BASTI PASCHIM TOLA, P.S.
KURSELA, DISTRICT- KATIHAR
2. SANJAY MANDAL @ SANJAY KUMAR SON OF CHHATISH
MANDAL RESIDENT OF VILLAGE- KURSELA BASTI PASCHIM
TOLA, P.S. KURSELA, DISTRICT- KATIHAR

... .. Petitioners

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate
For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-01-2022 Heard learned counsel for the petitioners and learned

Additional Public Prosecutor for the State in virtual court

proceeding.

Let the defects, as pointed out by the office, be

removed within four weeks of start of normal functioning of the

physical court.

Petitioners seek bail in connection with Kursela P.S.

Case No. 178 of 2020 registered for the offences punishable

under Sections 302/34 of the IPC.

As per prosecution case, the informant alleges that on

24.10.2020 at about 9:00 PM, his son after having dinner was

going to sleep at his Basa. Then the petitioners and Bino Mandal



as well as Mithun Mandal caught hold the son of the informant and killed by hanging him in Bahiyar in a planned manner and kept his dead body at the Basa of Madhusudan Mandal. In the next morning, the informant was informed by the villagers about this incident. It is further alleged that the alleged incident took place due to land dispute. The informant suspected the hands of petitioners and other accused in the murder of his son.

Learned counsel for the petitioners submits that petitioners have clean antecedent and have committed no offence and they have falsely been implicated in the present case only on the basis of suspicion. He further submits that there is no eye witness of the alleged occurrence. There is admitted land dispute between the parties. He further submits that after investigation the police has submitted charge sheet against the petitioners. It is further submitted that co-accused Bino Mandal @ Binod Kumar Mandal and Mithun Mandal @ Mithun Kumar Mandal have been granted bail by a co-ordinate Bench of this court vide order dated 03.01.2022 passed in Cr. Misc. No. 29004 of 2021. Petitioners are in custody since 28.11.2020.

The learned Additional Public Prosecutor on the basis of the materials available on the record fairly submits that on the basis of suspicion the petitioners have been implicated in the



present case.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Kursela P.S. Case No. 178 of 2020, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent,



the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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