

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25968 of 2022

Arising Out of PS. Case No.-155 Year-2021 Thana- AAJAM NAGAR District- Katihar

SHAMBHU MANDAL S/o Aant Lal Mandal Resident of Village- Kharseta,
P.S.- Aramnagar, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual court proceedings.

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

The petitioner seeks bail in connection with
Aazamnagar P.S. Case No. 155 of 2021 registered for the
offence under Sections 302, 201, 120B and 34 of the Indian
Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 07.01.2022.

The allegation against the petitioner is to commit
murder of the father-in-law of the informant, along with other
co-accused persons, for previous long-standing land dispute.



Learned counsel appearing on behalf of the petitioner submitted that informant is not the eye-witness of the occurrence, where allegation is completely based upon suspicion. It is submitted that nothing surfaced during course of investigation, as raised through FIR, to connect petitioner, prima facie, with the present allegation. It is further submitted that admittedly, land dispute is pending between the parties. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent, moreover, investigation is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that informant is not the eye-witness of the occurrence, where allegation is very much general and omnibus, as per FIR.

Considering the facts and circumstances as mentioned above, as allegation is based upon mere suspicion, where informant is not the eye-witness of the occurrence, petitioner is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Aazamnagar P.S. Case No. 155 of 2021 on furnishing bail bond



of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge, Katihar/concerned court, subject to the following conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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