

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37438 of 2021**

Arising Out of PS. Case No.-226 Year-2019 Thana- KATORIYA District- Banka

RADHEY MANDAL S/O TILAK MANDAL RESIDENT OF VILLAGE-
GHAGHRIJOR, PS-KATORIA, DISTRICT-BANKA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 22-02-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioners, who are in custody since 03.04.2021,
seeks regular bail in connection with Katoriya P.S. Case No. 226
of 2019, for the offence punishable under Sections 302/34 of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that the informant
received information that his son was found dead near water
tank at Barbasini. It has further been alleged that the son of the
informant was Deputy Mukhiya of the Panchayat, Barbasini and
Ex-Mukhiya, Prakash Yadav, son of Jhagru Yadav had
threatened his son with dire consequences, if he would interere
in the work of MNREGA.



Learned counsel appearing on behalf of the petitioner submits that the petitioner is not named in the F.I.R. and he has falsely been implicated in this case with oblique motive. He further submits that from perusal of the F.I.R. and the material collected during course of investigation, it would be evident that it was the co-accused Prakash Yadav, son of Jhagru Yadav, Ex-Mukhiya, who was allegedly involved in the occurrence and none of the witnesses have taken the name of petitioner except on the date of occurrence, petitioner had a talk with the co-accused Prakash Yadav on his phone. He further submits that similarly situated co-accused has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 09.02.2021 passed in 40091 of 2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He further submits that petitioner had a talk with the co-accused on the date of occurrence and his mobile location was shown near the place of occurrence.

Considering the aforementioned facts and circumstances of the case, taking into consideration the case of the petitioner on the ground of parity with one co-accused Manish Kumar Suman @ Manish Yadav @ Mukesh Yadav, who has been released on bail vide order dated 09.02.2021 passed in



40091 of 2021, prima facie the petitioner has made out a case to be released on bail. The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-IV, Banka in connection with Katoriya P.S. Case No. 226 of 2019, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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