

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30748 of 2022

Arising Out of PS. Case No.-835 Year-2021 Thana- FORBESGANJ District- Araria

JITENDRA KUMAR @ JITENDRA KUMAR MANDAL S/o Umesh
Mandal Resident of Village- Aurahi Kusaha, ward No.04, P.S.- Simraha,
District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vaishnavi Singh

For the Opposite Party/s : Mr. Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 25-08-2022 The learned counsel for the petitioner is directed to remove all
the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence
punishable under Section 302/34 of the Indian Penal Code.

As per prosecution story, deceased' s son went along with one
Mantu Yadav who happens to be his neighbour and thereafter he did not
return and in the evening co-villager of the informant disclosed that
deceased, Mantu Yadav and others had taken drink and thereafter the
informant enquired from Mantu Yadav about his son who denied to give
any information about his son and thereafter informant came to know that a
dead body was lying near a railway crossing which was identified as his
son.

The main submissions advanced by Sri Vaishnavi Singh, the
learned counsel appearing for the petitioner are that the petitioner is not



named in the FIR, he has clean antecedent, during course of investigation, informant filed a petition alleging the petitioner's role in the murder of his son and the said petition was filed after inordinate delay from lodging of the FIR and during course of investigation only on the basis of mobile tower location, he has been dragged in this case except this, there is no material against the petitioner and he has been languishing in jail since 15.4.2022 and as per submission, investigation has been completed against the petitioner.

Sri Narendra Kumar Singh, learned APP appearing for the State learned counsel for the informant have vehemently opposed the prayer for bail and submitted that deceased had no good relation with the petitioner and it has been stated by learned counsel for the informant that during course of investigation, main evidence against the petitioner is mobile tower location of the petitioner being found at the time of alleged occurrence.

Heard both sides and perused the FIR. In the present case, investigation has been completed and the petitioner has not been named in the FIR and initially, informant has not made any allegation against the petitioner and allegedly on the basis of mobile tower location he has been made accused in this case and he has clean antecedent. Learned counsel for the State has not been able to point out any evidence to connect the petitioner with the alleged murder.

In the light of these facts, in the opinion of this court, a lenient approach can be taken in respect of the petitioner. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial



Magistrate, Araria in Forbisganj (Simraha) P.S Case No. 835 of 2021 on the following conditions:-

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

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

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

s.hassan/-

U		T	
---	--	---	--

