

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33642 of 2022

Arising Out of PS. Case No.-181 Year-2020 Thana- GAMAHARIYA District- Madhepura

GANGA MANDAL Son of Harilal Mandal Resident of Village - Kanhua,
Ward no.02, P.S.- Gamharia, Distt.- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 15-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Gamhariya P.S. Case No. 181 of 2020 corresponding to Sessions
Trial No. 129 of 2021 registered for the offences punishable
under Sections 302, 120B, 201, 34 of the Indian Penal Code.

As per prosecution case, petitioner alongwith other
is alleged to have committed the murder of informant's son by
sharp cutting weapon while he was sleeping in house and dead
body was found in mango orchard under the bundle of straw to
suppress the incident.

Learned counsel for the petitioner submits that



petitioner is in custody since 14.11.2020 and bears no criminal antecedent. Petitioner is quite innocent and he has falsely been implicated in this case as there is no eye witness of the alleged occurrence rather the informant alleges all story only on imagination at the instance of enemies of the petitioner. Petitioner is father of the deceased Arvind Kumar and it is uncommon to think that the father has killed his son. He further submits that not a single witness has claimed to see the occurrence nor they have claimed to see the petitioner as last seen with the deceased. Except suspicion, there is nothing on the record to demonstrate the complicity of the present petitioner with the alleged occurrence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

A report has been called for from the trial court with regard to stage of the trial. It is reported that out of six charge sheeted witnesses, only one witness has been examined and the delay of trial is not attributable to the petitioner by any stretch of imagination.

Considering the facts and circumstances of the case, period of custody which is near about more than two years, keeping in view clean antecedent of petitioner, argument



advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIII, Madhepura in connection with Gamhariya P.S. Case No. 181 of 2020 corresponding to Sessions Trial No. 129 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case.

(v) Petitioner shall not leave the territorial



jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) However, if petitioner violates any of the conditions, the court below is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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