

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48640 of 2021

Arising Out of PS. Case No.-158 Year-2021 Thana- NATHNAGAR District- Bhagalpur

Nanda Mandal @ Saurav Kumar S/O Late Kameshwar Mandal R/O Village-
Chotti Dighi, Purab Tola, P.S-Madhusudanpur (NATHNAGAR), District-
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agarwal, Sr. Advocate with
	:	Mr. Raja Ram Mishra, Advocate and
	:	Mr. Pramod Kumar, Advocate.
For the Opposite Party/s	:	Ms. Pushpa Sinha, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 23-06-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. N. K. Agarwal, learned senior advocate for
the petitioner and Ms. Pushpa Sinha, learned Additional Public
Prosecutor for the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Nathnagar (Madhusudanpur) P. S. Case
No. 158 of 2021 registered for the offences punishable under
Section 302 read with 34 of the Indian Penal Code and Section
27 of the Arms Act.



As per the prosecution case, it is alleged that on 07.03.2021 at about 11:00 A.M. the son of the informant went outside of the house with one Pankaj Mandal on a motorcycle. While they were returning to their house near the orchard of one Raju Mandal someone killed his son. It is further alleged that on the said information, he reached to the place of occurrence and found the dead body of his son. He asserted that there was a land dispute with Deep Narayan Mandal and his son Ganesh Mandal, who wanted to forcibly acquire the land of the informant and due to which all the F.I.R. named accused persons including this petitioner killed his son.

Learned senior counsel appearing on behalf of the petitioner submitted that from perusal of the F.I.R., it is evident that the informant is not an eye-witness to the alleged occurrence and only suspicion has been raised against all the F.I.R. named accused persons including this petitioner that they might have killed his son. However, there is specific allegation against Deep Narayan Mandal and his son with whom they had land dispute. It is further submitted that during the course of investigation, it transpired that before the present occurrence, there was murder of the brother of this petitioner. In the said murder suspicion has been raised about the complicity of the



deceased and due to which this petitioner with the help of Pankaj Yadav and Pramod Yadav has killed the deceased. It is also submitted that except the suspicion there is no cogent material, which suggests the complicity of this petitioner in the present case. However, during the course of investigation, the statement of independent witness has been recorded and one Manohar Mandal, whose statement has been recorded in paragraph no. 82 of the case diary said before the Police that when he heard the sound of firing and reached near the place of occurrence, he found that two persons namely, Pankaj Yadav and Promod Yadav having pistols in their hands were going on a motorcycle from there. He has not disclosed the name of this petitioner. It is also submitted that this petitioner is in custody since 17.03.2021 and moreover, the charge has already been framed in this case and he is ready to give undertaking that he will remain present at the trial on each and every date.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that during the course of investigation, it has come that on account of the murder of the brother of the petitioner, this petitioner was always threatening the deceased with dire consequences and she also draws the attention of this court towards the criminal



antecedents of this petitioner that he has been found involved in four other criminal cases. However, in reply of the aforesaid contention, the learned senior counsel has submitted that in all the cases petitioner is on bail and in fact, only because of his criminal antecedent, the Police has implicated the name of this petitioner in the present case.

Having considered the submissions made on behalf of the parties and taking into account the fact that the informant is not an eye-witness to the alleged occurrence and except suspicion no other cogent material has come which suggests the complicity of this petitioner in the present case in as much as the petitioner is in custody since 17.03.2021 and the charge has already been framed, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-XI, Bhagalpur in connection with Nathnagar (Madhusudanpur) P. S. Case No. 158 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.



- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. 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.

(Harish Kumar, J)

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