

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42677 of 2022**

Arising Out of PS. Case No.-36 Year-2021 Thana- INDUSTRIAL District- Bhagalpur

MITHUN MANDAL @ MITHUN KUMAR MANDAL @ MITHUN
KUMAR SON OF PARMESHWAR MANDAL R/O VILLAGE-
MIRACHAK , P.S.- INDUSTRIAL AREA (ZEROMILE), DISTRICT-
BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha
For the Opposite Party/s : Mr.Md. Mushtaque Alam

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 16-11-2022 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
Industrial Area P.S. Case No. 36 of 2021, G.R. No. 834 of 2021
registered for the offences punishable under Sections 427, 435,
436/34 of the I.P.C.

As per prosecution case, petitioner and others set
informant's house on fire. It is also alleged that on earlier
occasion also aforesaid accused persons committed loot of
household articles of worth Rs. 18,00,000/- from informant's
house.



Learned counsel for the petitioner submits that petitioner is in custody since 11.01.2022 and bears criminal antecedent of six cases and in all cases petitioner is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that alleged occurrence is said to be taken place on 17.02.2021 but FIR has been lodged after 6 days of occurrence i.e. on 23.02.2021 for which there is no explanation given. He further submits that from the perusal of the FIR itself it appears that the informant has called the administration to take the action upon the same. The counsel for the petitioner further submits that the motive behind the said present case is that earlier husband of informant namely Rambriksha Mandal and six others assaulted the brother of co-accused Bindeshwari Mandal and Police Mandal who became seriously injured and later on died for which Industrial Area P.S. Case No. 28 of 2020 was instituted. He further submits that husband of informant namely Rambriksha Mandal has been granted bail in the aforesaid case by the Hon'ble court and to pressurize the petitioner to compromise the said murder case, the present case has been instituted.

The learned A.P.P. for the State vehemently



opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence 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 court of C.J.M, Bhagalpur in connection with Industrial Area P.S. Case No. 36 of 2021 corresponding to G.R. No. 834 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 and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(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)

vashudha/-

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