

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49084 of 2022

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

Shiv Kumar Mandal, aged about 40 years (Male) S/o Nunulal Mandal
Resident of Village- Kanhua, Ward No.2, P.S.- Gamharia, District-
Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Nafisuzzoha, Adv.
For the State : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-12-2022 This matter has been taken up today for consideration
through video conferencing.

Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with *Gamharia*.
PS Case No. 181 of 2020, registered for the offence punishable
under Sections 302, 120B and 201/34 of the Indian Penal Code.

As per prosecution case, the petitioner along with other
FIR named accused persons are alleged to have committed
murder of son of the informant by sharp cutting weapon, while
he was sleeping in house, and throw his dead-body in mango
orchard.

Learned counsel for the petitioner submits that due to



land dispute between the parties, petitioner has falsely been implicated in this case. There is no eye-witness to the alleged occurrence. No specific overt act has been alleged against the petitioner. Prayer is also made on ground of parity with co-accused, namely, Nunulal Mandal, Yogendra Mandal @ Yogendra Kumar and Santosh Kumar who have been allowed bail by a coordinate bench of this Court in Cr. Misc. Nos. 40021 of 2021 and 15794 of 2022 on 07-10-2021 and 14-07-2022 respectively. Charge-sheet has been submitted.

The petitioner is in custody since 11.01.2022, though he has no criminal antecedents.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, 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 learned *Additional Sessions Judge-VIII, Madhepura*, in connection with *Gamharia. PS Case No. 181 of 2020*, subject to the following conditions:-



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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