

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59506 of 2021

Arising Out of PS. Case No.-150 Year-2020 Thana- SABAUR District- Bhagalpur

MUKESH MANDAL Son of Basudeo Mandal Resident of Village - Ram
Nagar (Mamalkha), P.S.- Sabour, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudal Prasad, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Sessions Trial No. 372 of 2021 arising out of Sabour P.S. Case
No. 150 of 2020 instituted for the offences under Sections
302/34 of the Indian Penal Code read with Section 27 of the
Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 06.06.2020, is a person with clean
antecedent and charge-sheet has been submitted.

The informant alleges that the petitioner had taken the
motorcycle of the deceased for going to his Sasural and when he
returned the motorcycle the deceased found that the petitioner



had dashed the motorcycle for which the deceased was asking for maintenance on account of which the petitioner shot him.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and the informant is not an eyewitness to the occurrence, further it does not appear probable that for a trivial dispute a person with clean antecedent would kill a person. Learned counsel submits that even the FIR does not disclose that who disclosed to the informant that deceased has been killed by the petitioner. Learned counsel next submits that the entire allegation is based on suspicion and the motive alleged does not appear probable for committing the occurrence.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent and charge-sheet has been submitted and the informant is not an eyewitness to the occurrence and taking into consideration the submissions made by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional



Sessions Judge-IX, Bhagalpur in connection with Sessions Trial No. 372 of 2021 arising out of Sabour P.S. Case No. 150 of 2020, with condition that one of the bailors shall be the father (Basudeo Mandal) of the petitioner and further if the petitioner on two consecutive dates does not appear in the trial, the learned court below shall forthwith cancel the bail bond of the petitioner.

(Satyavrat Verma, J)

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