

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60020 of 2021

Arising Out of PS. Case No.-242 Year-2021 Thana- KHAIRA District- Jamui

Diwakar Mandal @ Diwakar Kumar Son of Jago Mandal @ Jagdev Mandal
Resident of Village - Sono, P.S.- Sono, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay
For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 23-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Khaira
P.S. Case No. 242 of 2021 registered for the offence under
Sections 364, 302, 120B, 201 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.07.2021.

The allegation against the petitioner is to commit
murder of brother of the informant.

Learned counsel appearing on behalf of the petitioner
submitted that the informant is not the eye witness of the
occurrence and moreover, the present F.I.R. has been lodged



after one month of the occurrence without having any explanation of delay. It has further been submitted that the present F.I.R. is the improved version and afterthought for the reason that father of the deceased also lodged F.I.R. for the occurrence of 01.07.2021 i.e., Tisari P.S. Case No. 66/21 where no suspicion even raised against the petitioner. While concluding the argument, it has also been submitted that the petitioner is a man of clean antecedent and moreover, chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded the fact that the present F.I.R. has been lodged after one month of the occurrence.

Considering the facts and circumstances as mentioned above and considering the contradictory versions of the F.I.R., where informant is not the eye witness of the occurrence coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Khaira P.S. Case No. 242 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned Chief Judicial Magistrate,
Jamui, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Bachchu Rawat, who is the maternal uncle of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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