

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47887 of 2021**

Arising Out of PS. Case No.-138 Year-2020 Thana- PIRPAINTI District- Bhagalpur

JICHU MANDAL Son of Late Baldeo Mandal Resident of Village -
Parshurampur (Guru Tola), P.S.- Pirpainty, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 60473 of 2021

Arising Out of PS. Case No.-138 Year-2020 Thana- PIRPAINTI District- Bhagalpur

1. Santosh Kumar S/O Jichu Mandal
 2. Ajit Kumar S/O Jichu Mandal
- Both R/O Village-Parshurampur (Guru Tola), P.S.-Pirpainty, District-
Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 47887 of 2021)

For the Petitioner/s : Mr.Swapnil Kumar Singh, Adv

For the Opposite Party/s : Mr.A.P.P.

(In CRIMINAL MISCELLANEOUS No. 60473 of 2021)

For the Petitioner/s : Mr.Swapnil Kumar Singh, Adv

For the Opposite Party/s : Mr.A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 28-04-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioners and the

learned A.P.P. for the State.



The petitioners seek bail in a case registered for the offence under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

Mother of the deceased (son) is informant in this case. While son of informant was returning at about 7.35 P.M. on 11.08.2020, the accused persons including the petitioners fired upon son of informant several times and murdered him and fled away.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. He further submits that there is no eye witness of the alleged occurrence and there is general and omnibus allegation against all the accused persons. The allegation as alleged in the FIR does not corroborate with the postmortem report.

Vide order dated 23.03.2022, a report was called for with regard to the stage of the trial. Report reveals that the charge has been framed against the petitioners on 27.11.2021 and out of 09 chargesheeted witnesses, none witnesses has been examined up-till-now and the case is pending for prosecution evidence.

Learned counsel for the petitioners submits that in



view of the report, it appears that there is no chance of early conclusion of the trial in near future and petitioners-Santosh Kumar and Ajit Kumar are in custody since 15.02.2021 and petitioner Jichu Mandal is in custody since 15.02.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with S.T.No.252 of 2021 arising out of Pirpainty Police Station Case No.138 of 2020 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall



verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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