

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53333 of 2022

Arising Out of PS. Case No.-188 Year-2021 Thana- KAHALGAON District- Bhagalpur

Matree Mandal Son Of Late Bhagwan Mandal R/O Village- Mirzapur
Ghogha, P.S.- Ghogha, District- Bhagalpur. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Manoj Kumar, Advocate.
For the Opposite Party/s : Mr. Kalyan Shankar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-12-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Dr. Manoj Kumar, learned counsel for the
petitioner and Mr. Kalyan Shankar, learned APP for the State
through video conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Kahalgaon (Ghogha) P.S. Case No. 188 of
2021, registered for the offences punishable under Sections 302
and 120B/34 of the Indian Penal Code and Section 27 of the
Arms Act.

As per the prosecution case, it is alleged that on
14.03.2021 at about 11:30 PM, the deceased was killed by
shooting and on hearing the sound of firing, the informant saw
through the window that the petitioner along with other FIR
named accused persons, armed with weapons were coming out



of the house of the deceased through the courtyard.

Learned counsel appearing on behalf of the petitioner submits that from the tenor of the FIR, it is evident that the informant is not an eyewitness to the alleged occurrence. He further submits that the deceased was a widow & issueless and the informant was cousin daughter-in-law of the deceased and as the deceased had given her some ancestral property and there was some enmity between the deceased and her co-sharers and due to which, she was killed. He also submits that other co-accused person having similar allegation, have been granted bail by learned Co-ordinate Bench of this Court in Cr. Misc. No.53474 of 2021 vide order dated 03.12.2021 and Cr. Misc. No.54526 of 2021 vide order dated 06.12.2021, the copies of which have been brought on the record by way of Annexures 2 and 3 to the bail petition. He next submits that now the investigation of the crime is already complete and the charge-sheet has been submitted and save and except suspicion, no material has come during the course of investigation and further the petitioner is in custody since 11.05.2022.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf



of the parties and considering the fact that the informant is not an eyewitness to the alleged occurrence, apart from that other co-accused person having similar allegation, have been granted bail by learned Co-ordinate Bench of this Court and the investigation of the crime is already complete and the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon (Ghogha) P.S. Case No. 188 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.



(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

manoj/-

U		T	
---	--	---	--

