

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64518 of 2021

Arising Out of PS. Case No.-230 Year-2016 Thana- NATHNAGAR District- Bhagalpur

1. DAYANAND MANDAL Son of Sri Late Lale Mandal Resident of Village - Mohanpur/Raghopur, P.S.- Nathnagar, Distt.- Bhagalpur.
2. Dayanand Mandal Son of Late Jagroop Mandal, Resident of Village - Raghopur, P.S.- Nathnagar, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Adv.

For the Opposite Party/s : Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-04-2022 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 201 of the Indian Penal Code.

The case relates to murder of a person by the unknown.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that in fact, the petitioners have not been named in the F.I.R.



rather the F.I.R. has been registered against unknown but the name of the petitioners surfaced in this case on the basis of CDR. He further submits that save and except the CDR, no cogent material has come during course of investigation against the petitioners. He further submits that the similarly situated co-accused, namely, Mithun Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 03.07.2020 passed in Cr. Misc. No. 70411 of 2019. The petitioner is rotting in judicial custody since 05.08.2021.

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, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Nathnagar P.S. Case No. 230 of 2016 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 bond shall be canceled 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 antecedent, 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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