

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69776 of 2021

Arising Out of PS. Case No.-167 Year-2020 Thana- SAHEBPUR KAMAL District-
Begusarai

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Vidya Nand Mandal, Son of Sri Bajrangi Mandal, Resident of village -
Pakrail, Chandanpur, P.S.- Maheshkhunt, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Advocate
For the Opposite Party/s : Mr.Atul Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 10-10-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

In the present case, the petitioner seeks bail in
connection with Sahebpurkamal P.S. Case No. 167 of 2020
registered for the alleged offences under Sections 302/201/34 of
the Indian Penal Code.

As per prosecution case, dead body of an unknown
male was found near the bank of Ganga and later on it was
identified as dead body of the husband of the co-accused Anita
Devi. This co-accused named the petitioner for being involved
in the murder of her husband as she was having illicit



relationship with this petitioner.

Learned counsel for the petitioner submits that except for the confessional statement of co-accused Anita Devi, nothing has come up against this petitioner. There is no eye witness to the alleged occurrence and nothing incriminating has been recovered at the instance of this petitioner. Nothing came up during investigation to connect the chain of circumstances as the present case is that of circumstantial evidence only in absence of any eye witness. The learned counsel further submits that even in the confessional statement, the co-accused has named other persons for being involved in the murder of her husband as she was having illicit relationship with them as well. In fact, this petitioner has got no relationship with the wife of the deceased and he has been falsely implicated in this case due to village politics. The petitioner is in custody since 06.09.2021 and is having clean antecedent. The charge sheet has been submitted in this case.

Learned A.P.P. opposes the prayer for bail submitting that the petitioner was named by the co-accused and call details report shows the involvement of this petitioner as he has been in regular contact with the co-accused Anita Devi. However, learned APP concedes that in paragraph 58 of the case diary, it



has been mentioned that the tower location of the petitioner was in Maheshkhut Pakrail on the date of occurrence.

Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that the name of the petitioner has come up in the confessional statement and nothing has been recovered at his instance and further considering the absence of cogent material to connect the petitioner with the offence as alleged and also considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Sahebpur Kamal P.S. Case No. 167 of 2020, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail,



the bail bond of the petitioner will be liable
to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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