

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2073 of 2023

Arising Out of PS. Case No.-52 Year-2022 Thana- HATHAURI District- Samastipur

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Ramnath Mandal Son Of Late Keshwar Mandal R/o Village- Ganauli, P.S.-
Hathauri, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

Mr. Pravin Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Heard Mr. Pramod Kumar Singh, learned counsel

appearing on behalf of the petitioner and Mr. Yogendra Kumar,

learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody

in connection with Sessions Trial No. 548 of 2022 arising out of

Hathauri (Shivajinagar) P.S. Case No. 52 of 2022 registered for

the offences punishable under Sections 302, 201 and 120B/34 of

the Indian Penal Code.

The prosecution case is based on a written report of

the informant alleging therein that while the husband of the

informant was sitting at his *darwaja*, she went to bring some

food items and when she came, she found her husband was not

present there. Later on, some blood stains and a knife were



found there. The informant suspected the hands of the FIR named accused persons including the petitioner in causing disappearance and murder of her husband.

Learned counsel for the petitioner submits that the informant is neither the eyewitness to the alleged occurrence nor there is any other eyewitness who is said to have seen the incidence. The entire case is revolved around the suspicion on account of the previous enmity and save and except suspicion, there is no other materials suggesting the complicity of the petitioner. He further submits that other co-accused persons named in the FIR have been allowed the privilege of bail by the learned Co-ordinate Bench of this Court vide order dated 22.03.2023 passed in Cr. Misc. Nos. 64655 of 2022 and 69960 of 2022. He next submits that the petitioner is in custody since 12.08.2022 and after completion of investigation, charge-sheet has been submitted.

On the other hand, learned counsel for the State opposes the bail application and submits that the petitioner is named in the FIR and, later on the dead body of the husband of the informant has been found and thereafter the post-mortem was done on 12.05.2022. He further submits that the petitioner is also named in one another criminal case besides the present



one.

Regard being had to the submissions made on behalf of the parties and considering the fact that save and except suspicion, there is no other cogent material suggesting the complicity of the petitioner coupled with the fact that other-co-accused persons have been allowed the privilege of bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District & Sessions Judge-I, Rosera, Samastipur in connection with Sessions Trial No. 548 of 2022 arising out of Hathauri (Shivajinagar) P.S. Case No. 52 of 2022, 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)

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