

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6133 of 2023

Arising Out of PS. Case No.-51 Year-2021 Thana- SARSI District- Purnia

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Pramod Kumar Mandal @ Pramod Mandal Son Of Guneshwar Mandal @
Ghusho Mandal R/O Vill.- Maliniya Diyara, P.S.- Sarsi, Distt.- Purnea

... .. 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. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
09.11.2022 in connection with Sarsi P.S. Case No. 51 of 2021,
F.I.R. dated 20.05.2021 for the offences punishable under
Sections 302/34 of the Indian Penal Code.

According to prosecution case, the petitioner along
with other accused persons have assaulted the mother of the
informant for neighborhood disputes and differences due to
which she died.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that in fact, the informant is not the eye witness of the alleged occurrence. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Barun Mandal has been granted bail by a co-ordinate Bench of this Court vide order dated 23.08.2022 passed in Cr. Misc. No. 68887 of 2021. The petitioner is in custody since 09.11.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with Sarsi P.S. Case No. 51 of 2021, subject to the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that 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 step for cancellation of bail bond of the petitioner. 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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