

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18013 of 2023

Arising Out of PS. Case No.-164 Year-2022 Thana- GANGTA District- Munger

BULBUL TANTI SON OF LAKHAN TANTI RESIDENT OF VILL
SHAMPUR OP SHAMPUR PS -KHARAGPUR DISTT- MUNGER

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 10474 of 2023

Arising Out of PS. Case No.-164 Year-2022 Thana- GANGTA District- Munger

1. PRAMOD MANDAL @ PADDU MANDAL @ PRAKASH MANDAL
SON OF LATE LAKHAN LAL MANDAL R/O VILLAGE- SHAMPUR,
P.S.- KHARAGPUR, DISTRICT- MUNGER
2. NARESH MANDAL SON OF LATE LAKHAN LAL MANDAL R/O
VILLAGE- SHAMPUR, P.S.- KHARAGPUR, DISTRICT- MUNGER

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 18013 of 2023)

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

For the Opposite Party/s : Mrs. Gulnar Begum, APP

(In CRIMINAL MISCELLANEOUS No. 10474 of 2023)

For the Petitioner/s : Mr. Jitendra Kumar Giri, Adv.

For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 4 03-08-2023 1. Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.
2. Petitioners, who are in custody since 19.10.2022
seek bail in connection with S.T. No.78/2023, arising out of
Gangta P.S. Case No.164/2022, dated 11.10.2022, registered for



the offences punishable under Sections 302, 120B, 34 of the I.P.C. & Section 27 of the Arms Act.

3. According to prosecution case, while the informant along with his brother in law was going to his house Sangrampur from Registry office on motorcycle, in the meantime, three unknown persons shot in the temple of his brother in law from close range, due to which he died at the spot.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the petitioners are not named in the F.I.R. The name of the petitioners have been transpired during investigation on the basis of self confession of the petitioners and confessional statement of the other co-accused persons and except the self confession of the petitioners and confessional statement of the co-accused, no other cogent material has come during investigation to suggest the involvement of these petitioners in the present occurrence. As per F.I.R. the informant has claimed that he can identified the culprits but till date no T.I.P. was conducted by the prosecution and the police after investigation submitted the charge sheet against the petitioners. The



petitioners are in custody since 19.10.2022.

5. Vide order dated 27.06.2023 a report was called for from the learned trial court. Report dated 25.07.2023 of the learned trial court reveals that charge has not been framed against the petitioners as yet.

6. Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners and submits that the petitioners have received Rs. 50,000/-each for committing the occurrence in question but fairly submits that till date no T.I.P. was conducted by the prosecution.

7. Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail after framing of charge, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge, Munger in connection with S.T. No.78/2023, arising out of Gangta P.S. Case No. 164/2022, subject to 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 cancelled 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.

3. 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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