

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10547 of 2023

Arising Out of PS. Case No.-82 Year-2020 Thana- ISMAILPUR District- Bhagalpur

ASHOK MANDAL Son of Late Ganga Mandal R/v- Kelabari, P.S.-
Ismailpur, District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-08-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 04.03.2021 seeks
bail, in connection with Ismailpur P.S. Case No.82/2020, dated
31.10.2020, for the offences punishable under Sections 147,
148, 149, 307, 302 of the IPC & Section 27 of the Arms Act.

3. According to prosecution case, the petitioner is
alleged to have fired upon the father of the informant due to
which he died on the spot.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that the allegation as alleged in the F.I.R. is false
and fabricated and the petitioner has not committed any offence
as alleged in the F.I.R. He further submits that the informant is



not an eyewitness of the alleged occurrence and merely on the basis of suspicion, the petitioner has been implicated in the false and fabricated case. He further submits that in this case charge has been framed against the petitioner on 16.07.2022 but till date no prosecution witness have been examined.

5. Vide order dated 27.06.2023 a report was called for from the learned trial court with regard to the present stage of the trial. Report dated 20.07.2023 of the learned trial court reveals that charge has been framed on 16.07.2022 but the prosecution has not examined any witness as yet and the case is pending for the examination of the witnesses.

6. Learned counsel for the petitioner submits that in view of the report of the learned trial court, the trial is not likely to be concluded in near future and the petitioner is in custody since 04.03.2021 i.e. for more than two years.

7. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he has fired upon the father of the informant and the father of the informant died on the spot. Apart from that, the petitioner has also carried one criminal antecedent other than the present one but fairly submits on the



basis of para-3 of the bail petition that the petitioner is on bail in that case.

8. Considering the aforesaid facts and report of the learned trial court as well as period of custody, 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 Additional District and Sessions Judge-1st, Nawgachia, Bhagalpur, in connection with Ismailpur P.S. Case No.82/2020, arising out of S.T. No.430/2022, 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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