

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73015 of 2022

Arising Out of PS. Case No.-809 Year-2022 Thana- KAHALGAON District- Bhagalpur

1. TARA DEVI Wife of Sunil Kumar Mandal R/V- Shiv Mandir Tola, Parbatta, P.S- Ismailpur, Dist- Bhagalpur
2. Sunil Kumar Mandal Son of Shaligram Mandal R/V- Shiv Mandir Tola, Parbatta, P.S- Ismailpur, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 74920 of 2022

Arising Out of PS. Case No.-809 Year-2022 Thana- KAHALGAON District- Bhagalpur

ASHOK MANDAL Son of Suresh Mandal R/V- Amapur, Parmanandpur Khawas, P.S- Kahalgaon (Ghogha) Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 6241 of 2023

Arising Out of PS. Case No.-809 Year-2022 Thana- KAHALGAON District- Bhagalpur

1. LALIT MANDAL Son of Bhikhari Mandal R/o Pakkirsaray, Parmanandpur Khawas, P.S.- Ghogha (Kahalgaon), District- Bhagalpur
2. VIKASH MANDAL Son of Chattu Mandal R/o Ekchari Diara, Ekchari, P.S.- Ekchari, District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 73015 of 2022)

For the Petitioner/s : Mr. Rakesh Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Shaheen Begum, APP

(In CRIMINAL MISCELLANEOUS No. 74920 of 2022)

For the Petitioner/s : Mr. Rakesh Kumar Sinha, Adv.



For the Opposite Party/s : Mr. Anil Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 6241 of 2023)
For the Petitioner/s : Mr. Rakesh Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 10-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since
17.08.2022 (Petitioner no.1 & petitioner no.2), 18.08.2022
(petitioner no.3) & 31.10.2022 (petitioner no.4 & petitioner no.5)
respectively in connection with Kahalgaon (Ghogha) P.S. Case No.
809/2022, F.I.R. dated 13.08.2022, registered for the offences
punishable under Sections 363, 365, 302, 201 and 34 of the I.P.C.

According to prosecution case, the petitioners are
alleged to have abducted the son of the informant and his
neighbour, namely, Niraj Kumar and Govind Kumar respectively.

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
confessional statement of co-accused, namely, Ashok Mandal and
the petitioners, namely, Tara Devi and Sunil Kumar Mandal are
relatives of the co-accused, namely, Kajal Kumari and the
petitioners, namely, Ashok Mandal, Lalit Mandal and Vikash



Mandal are the co-villagers and they have no concern at all with the alleged occurrence. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and except the confessional statement of co-accused, namely, Ashok Mandal, no other cogent material has come during investigation to connect the involvement of these petitioners in the alleged occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioners and the petitioner no.1 & the petitioner no.2 namely, Tara Devi and Sunil Kumar Mandal are in custody since 17.08.2022, the petitioner no.3, namely, Ashok Mandal is in custody since 18.08.2022 and the petitioner no.4 & the petitioner no.5, namely, Lalit Mandal and Vikash Mandal are in custody since 31.10.2022.

Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail 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 C.J.M., Bhagalpur in connection with Kahalgaon (Ghogha) P.S. Case No.809/2022, 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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