

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9331 of 2023

Arising Out of PS. Case No.-238 Year-2022 Thana- NATHNAGAR District- Bhagalpur

Arun Mandal S/O Thakur Mandal R/O Village- Rasidpur Diyara, P.S Nath
Nagar, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 24-06-2023 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
24.08.2022 in connection with Nath Nagar P.S. Case No. 238 of
2022, F.I.R. dated 14.04.2022 for the offences punishable under
Sections 302, 506, 120B/34 of the Indian Penal Code.

According to prosecution case, the petitioner and one
accused person have killed the husband of the informant due to
some land dispute and threatens the family members of the
informant.

Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case due to admitted land dispute between the parties. He further submits that from perusal of the F.I.R. it transpire that the informant is not the eye witness of the alleged occurrence. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the informant has not disclosed the type of arms which was used by the petitioner and other accused persons. He further submits that the postmortem report of the deceased does not support the allegation as alleged in the F.I.R. He further submits that the cause of death was due to hard and blunt substance and the informant has claimed that the petitioner and other accused persons have fired upon the victim. He further submits that except the aforesaid, no other material has come to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 24.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one but fairly submits that the petitioner is on bail in that case.



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, Bhagalpur in connection with Nath Nagar P.S. Case No. 238 of 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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