

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10139 of 2023

Arising Out of PS. Case No.-689 Year-2022 Thana- KAHALGAON District- Bhagalpur

1. UMESH MANDAL S/O Late Lakhi Mandal R/O Village- Chakbhuska, P.S- Kahalgaon, District- Bhagalpur
2. Pramod Mandal @ Pramod Kumar Mandal S/O Umesh Mandal R/O Village- Chakbhuska, P.S- Kahalgaon, District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-05-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 15.07.2022 and 22.08.2022 in connection with Kahalgaon P.S. Case No. 689 of 2022, F.I.R. dated 14.07.2022 for the offences punishable under Sections 302, 34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation against the petitioner and other co-accused persons is that they broke into the house of deceased and dragged her out of house and shot her on temple due to which she succumbed to gun shot injury.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been



implicated in the present case. He further submits that due to admitted land dispute the present occurrence has taken place and it appears from the F.I.R. that the allegation against these petitioners are that they have caught hold the leg and hand of the deceased and the co-accused Ranjit Mandal has fired upon the deceased. He further submits that similarly situated, co-accused, namely, Anjana Devi against whom the same allegation has been granted bail by a co-ordinate Bench of this Court vide order dated 13.04.2023 passed in Cr. Misc. No. 8280 of 2023. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioner namely, Umesh Mandal is in custody since 15.07.2022 and petitioner namely, Pramod Mandals is in custody since 22.08.2022 respectively.

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

Considering the aforesaid facts and circumstances, 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 Chief Judicial Magistrate, Bhagalpur in connection with Kahalgaon P.S. Case No. 689 of 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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