

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19058 of 2022**

Arising Out of PS. Case No.-160 Year-2021 Thana- SABAUR District- Bhagalpur

BINOD MANDAL Son of Jaldhar Mandal Resident of Village - Shankarpur,
P.s.- Sabour, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

4 10-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sabour
P.S. Case No. 160/2021 registered for the offences punishable
under Sections 302 and 34 of the Indian Penal Code and Section
27 of the Arms Act.

As per prosecution case, the informant's son is alleged
to have committed murder by unknown persons.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case due to village politics. The petitioner is not named in the
FIR and the name of petitioner surfaced in this case during



course of investigation on the basis of self confessional statement of the petitioner. Except self confessional statement, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. The petitioner is languishing in custody since 19.07.2021 and bears no criminal antecedent. He further submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused, Nepali Mandal @ Niranjan Mandal has already been granted regular bail by the co-ordinate Bench of this Court vide Cr. Misc. No.70410 and co-accused Anil Mandal has already been granted anticipatory bail by the co-ordinate Bench of this Court vide Cr. Misc. No.5560/2022 respectively and the case of present petitioner stands more or less on similar footing.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not named in the FIR, on similar allegation co-accused have already been granted bail, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence as submitted, argument advanced on behalf of both sides and there



is no likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Sabour P.S. Case No. 160/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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