

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22340 of 2023

Arising Out of PS. Case No.-77 Year-2007 Thana- CHANDRAMANDI District- Jamui

JHARI MARANDI @ SAMEL MARANDI SON OF CHHOTKA
MARANDI R/O VILLAGE- BENDRA, P.S.- CHANDRAMANDI,
DISTRICT- JAMUI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 25-08-2023 Learned Counsel for the petitioner is directed to
remove the defects, as pointed out by the office.

Heard the parties.

The petitioner is in custody in connection with S.T.
No. 718 of 2022 arising out of Chandramandi P.S. Case No. 77
of 2007 for the offence under sections 302/34, 120(b) of the
Indian Penal Code and 27 of the Arms Act lodged on
09.10.2007 by the informant, Devendra Barnwal.

As per the prosecution story, the accused persons
went to the informant's cloth shop and after informing his son
that the informant is an informer of the Police, opened fire
which resulted into his death. In the meantime, his nephew also
reached there who was also shot dead. The informant, somehow
save himself and later the FIR.

Learned counsel for the petitioner submits that he is
not named in the FIR, never came to know that his name has



finally come up. Upon knowledge, finally came into judicial custody on 05.07.2022 (as stated in paragraph 13 of the petition).

The further submission is that similar situate co-accuseds have since been released on bail vide Cr. Misc No. 34188 of 2008 and Cr. Misc. No. 8801 of 2008.

Learned APP opposes the prayer for bail stating that after decades, the petitioner has appeared as the matter relates to Chandramandi P.S. Case No. 77 of 2007.

Though, the petitioner has delayed coming into judicial custody, considering the fact that he was not named in the FIR, his named cropped up during the course of investigation, is in custody since 05.07.2022 (more than a year), do not have criminal antecedent and similar situate co-accuseds have since been released, as stated above, this Court is inclined to extend him the privilege of bail with strict conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District and Session Judge-IV, Jamui, in connection with S.T. No. 718 of 2022 arising out of Chandramandi P.S. Case No. 77 of 2007 subject to the following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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