

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21402 of 2023

Arising Out of PS. Case No.-471 Year-2021 Thana- FORBESGANJ District- Araria

MD. RAJA @ MD. RAJA ALAM Son of Md. Habib @ Habib Resident of
village - Amhara Ward No.- 12, P.S.- Forbesganj, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana,Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
17.12.2022 in connection with Forbesganj P.S.Case No.471
of 2021, F.I.R. dated 30.06.2021 registered for the offence
punishable under Sections 302,120B/34 of IPC.

3. As per prosecution case, the youngest daughter of
the informant was killed by the FIR named co-accused
Jitendra Mandal.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case. Petitioner is not named in the FIR. The name of
the petitioner has been transpired during investigation on the



basis of the confessional statement of the co-accused person, namely, Kanhaiya Kumar Mandal @ Kanhaiya Mandal. Further submits that except the aforesaid, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the said co-accused, namely, Kanhaiya Kumar Mandal @ Kanhaiya Mandal and Akhilesh Mandal have been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 14.09.2022 passed in Cr. Misc. Nos.67444 of 2021 and 70721 of 2021 respectively and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 17.12.2022.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one, but fairly submits that the petitioner is on bail in both the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, 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 learned Chief Judicial



Magistrate, Araria in connection with Forbesganj P.S. Case No.471 of 2021, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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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