

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24920 of 2023

Arising Out of PS. Case No.-809 Year-2022 Thana- KAHALGAON District- Bhagalpur

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Kishor Mandal @ Kishori Kumar @ Kishor Kumar Son Of Jitan Mandal
Resident Of Village- Shahpur Parmanandpur Khawas Ps- Ghogha, Distt-
Bhagalpur Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 01-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 13.09.2022 in connection with Kahalgaon (Ghogha) P.S. Case No. 809 of 2022, F.I.R. dated 13.08.2022 for the offences punishable under Sections 363, 365/34 of the Indian Penal Code and subsequently Section 302, 201 of the Indian Penal Code was added.

3. According to prosecution case, this petitioner along with other accused persons have abducted the son of the informant as well as his neighbour, namely, Niraj Kumar and Govind Kumar respectively.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the



petitioner has not committed any offences as alleged in the F.I.R. He further submits that from perusal of the F.I.R it appears that there is no acquisition of any assault or overt act attributed against the petitioner and the name of the petitioner has been transpired on the ground that he is the husband of the co-accused, Kajal Kumari. He further submits that except suspicion, no other material has come during investigation 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. He further submits that similarly situated, co-accused persons, namely, Tara Devi and Sunil Kumar, Ashok Mandal, Lalit Mandal and Vikash Mandal have been granted bail by a co-ordinate Bench of this Court vide order dated 10.05.2023 passed in Cr. Misc. No. 73015 of 2022, Cr. Misc. No. 74920 of 2022 and Cr. Misc. No. 6241 of 2023 respectively. The petitioner is in custody since 13.09.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. 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 Second



Additional District & Sessions Judge, Bhagalpur District-
Bhagalpur in connection with Kahalgaon (Ghogha) P.S. Case
No. 809 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his 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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