

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24370 of 2023

Arising Out of PS. Case No.-73 Year-2022 Thana- KAJRAILCHAK District- Bhagalpur

RAMDEO MANDAL @ RAM MANDAL S/O LATE SOTI MANDAL
Resident of village- Kankaniya (Khurd Daradi), P.S.- Kazraili, District-
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Pravina Kumari, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-07-2023 Heard Mrs. Pravina Kumari, learned counsel for the
petitioner and learned APP for the State.

Petitioner seeks bail, who is in custody since
05.11.2022, in connection with Sessions Trial No. 65 of 2023
arising out of Kazraili P.S. Case No. 73 of 2022, F.I.R. dated
17.10.2022 registered for the offences punishable under
Sections 302, 201, 120(B)/34 of the Indian Penal Code.

The prosecution case, in short, is that on 16.10.2022
at about 8:00 A.M. the husband of the informant left the house
for going to his shop and when her husband did not return home
and informant started calling him but no reply. It is further
alleged that on 17.10.2022 at 6:30 A.M., the informant talked to
Rajesh Kumar Pandit who was a worker at the tent house shop



of her husband and he told her that her husband was found dead in the orchid at Simaria. As per the informant, both the accused Ramdev Mandal and his daughter Mamta Kumari had murdered her husband as a part of conspiracy and they had taken a loan of Rs. 1,00,000/- from her husband and when he asked back for the money, they threatened him with dire consequence.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case merely on the basis of suspicion. He further submits that the informant is not an eye witness of the alleged occurrence and the present F.I.R. was instituted on the basis of suspicion and the petitioner is father of co-accused Mamta Kumari and there was admitted illicit relationship between the deceased and Mamta Kumari. She further submits that nothing has come during investigation against the petitioner and even the statement of co-accused Mamta Kumar which was recorded during investigation in which she has not stated anything about her father and no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 05.11.2022.



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

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-XVI, Bhagalpur in connection with Sessions Trial No. 65 of 2023 arising out of Kazraili P.S. Case No. 73 of 2022, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, 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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