

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29486 of 2023

Arising Out of PS. Case No.-129 Year-2022 Thana- ALAMNAGAR District- Madhepura

1. Shankar Mandal @ Bhola Mandal, Son of Late Nandkeshar Mandal.
2. Nunulal Kumar Ray @ Nunulal Ray , Son of Vishnudev Ray .
Both are Resident of village - Gangapur Kachahari Tola, P.S. - Alamnagar,
Distt. - Madhepura

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-08-2023 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The petitioners seek bail in connection with
Sessions Trial No.6 of 2023 arising out of Alamnagar (Ratwara
O.P.) P.S. Case No.129 of 2022 registered for the offences
punishable under Sections 302 of the Indian Penal Code and
Section 27 of the Arms Act.

3. The accused/petitioners are named in the FIR and
are in custody since 04.08.2022.

4. As per FIR, the brother of informant found shot
dead in early morning at about 5:00 a.m. on 16.05.2022.

5. It is submitted by learned counsel that petitioners
have been falsely implicated with present case only out of



suspicion gathered on the basis of self-confession of petitioner no.1, in furtherance of which, no incriminating material recovered/surfaced as to connect the petitioner with present occurrence of murder. It is pointed out that the alleged firearm was recovered from possession of petitioner no.2 not appears to be connected in any manner with present case, as same was not recovered in furtherance of confessional statement rather it appears only planted as to aggravate the allegation. While concluding argument, it is submitted that investigation of this case is completed for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP while opposing the prayer for bail fairly submitted that petitioners are not named in the FIR.

7. In view of above-mentioned facts and circumstances, as save and except self-confession, nothing appears incriminating against these petitioners *prima facie* with present occurrence of murder, coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 04.08.2022, accordingly, the petitioners, above-named, are directed to 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 the learned 1st Additional



Sessions Judge-cum-Special Judge, Madhepura in connection with Sessions Trial No.6 of 2023 arising out of Alamnagar P.S. Case No.129 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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