

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37746 of 2023

Arising Out of PS. Case No.-98 Year-2021 Thana- PIPRA District- Supaul

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LALAN MANDAL SON OF MOJI LAL MANDAL RESIDENT OF
VILLAGE - GAMHIRPUR PARSAN, WARD NO.1, P.S. - TRIBENIGANJ,
DISTRICT - SUPAUL
... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR, PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bal Krishna Mishra, Advocate
For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner is in judicial custody in connection
with Pipra P.S. Case No.98 of 2021 instituted under Section 302,
201 of the IPC lodged on 02.04.2021 by the informant Md.
Shamim.

As per the prosecution case, it is stated by the
informant that seeing the photographs of the three dead bodies
on the Whatsapp of his mobile phone, which included his father,
he proceeded towards the hospital where the bodies were
brought for postmortem examination. The informant states that
he suspects the hand of unknown accused persons in the
commission of the crime. Accordingly, the FIR.



It has been contended by the learned counsel for the petitioner that merely on the basis of suspicion, the name has dragged in the case. Further allegation in the FIR against unknown and on the basis of confessional statement of co-accused Tribhuwan Yadav and Ramchandra Mandal, the false implication. It is his further submission that the aforesaid two co-accused Tribhuwan Yadav and Ramchandra Mandal have since been granted bail vide Cr. Misc. No.61075 of 2021 and Cr. Misc. No.69676 of 2021 (Annexure-2 Series to the petition).

Considering the aforesaid submissions put forward by the learned counsel for the petitioner as also that similarly placed co-accuseds have been granted bail, he is in custody since 18.07.2022 (as stated in para-12 of the petition) and do not have criminal antecedent, this Court is inclined to grant him privilege of bail.

Learned APP opposes the prayer for bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Pipra P.S. Case No.98 of 2021 to the satisfaction of learned Additional District Judge, Ist, Supaul, subject to following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his 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 fortnight for next six months to mark 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 the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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