

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42111 of 2023**

Arising Out of PS. Case No.-163 Year-2022 Thana- ISMAILPUR District- Bhagalpur

=====

GHANSHYAM MANDAL Son of Late Bishundeo @ Bishwanath Mandal
Resident of village - Chhoti Parbatta, P.S. - Ishmailpur, Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Jharkhandi Upadhyay

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Ismailpur P.S. Case No. 163 of 2022 registered for the offences
punishable under Sections 363, 364, 365/34 of the Indian Penal
Code but later on Section 302 of I.P.C. has also been added.

3. As per prosecution case, there is allegation
against the accused persons that they kidnapped the husband of
the informant. It is further alleged that this kidnapping has been
committed to put pressure upon the informant to withdraw
Ismailpur P.S. Case No. 30 of 2020 which has been lodged for
committing murder of informant's son by the accused persons.

4. Learned counsel for the petitioner submits that
petitioner is not named in F.I.R. and his name has been



transpired upon the confessional statement of co-accused Khokha Kapri as mentioned in para 10 of the bail petition. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that from the perusal of F.I.R. it is evident that all the F.I.R. named accused persons killed the informant's son for which case bearing Ismailpur P.S. Case No. 30 of 2020 was lodged against them, thereafter accused persons were putting pressure upon the informant to withdraw the said case and due to the said reason, all accused persons have killed informant's husband and in the said case petitioner is not accused. So, no motive has been attributed to the petitioner. He further submits that on similar allegation, co-accused Sanjay Mandal who is also not named in F.I.R., has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 27134 of 2023 and the case of present petitioner stands on similar footing. He further submits that petitioner is in custody since 13.02.2023 and bears criminal antecedent of two cases and in both cases the petitioner is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the



prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, co-accused has already been granted bail by the Coordinate Bench of this Court and on the principle of parity 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 J.M. Ist Class, Naugachhia, Bhagalpur in connection with Ismailpur P.S. Case No. 163 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

alok/-

U		T	
---	--	---	--

