

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38358 of 2023**

Arising Out of PS. Case No.-396 Year-2022 Thana- SABAUR District- Bhagalpur

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VIJAY MANDAL Son of Late Karpuri Mandal @ Karpuri Kapre Resident of
Village - Kasba, P.S.- Shahkund, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 01-08-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
30.09.2022 in connection with Sabour P.S. Case No.396/2022,
dated 27.09.2022, for the offence punishable under Section 396
of the IPC.

3. According to prosecution case, some unknown
miscreants have killed the husband of the informant and also
looted his valuable along with his Toto tempo and his dead body
was thrown in orchard.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case merely on the basis of
confessional statement of the co-accused, namely, Satto Paswan.



He further submits that the petitioner is father of one of the co-accused, namely, Santosh Yadav and as per confessional statement of the co-accused, the son of the petitioner was also involved in the present crime in question and except the confessional statement of the co-accused, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence except that the petitioner is father of co-accused namely Santosh Mandal and as per case diary he was actively participated in the present crime in question. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 30.09.2022.

5. Learned Additional Public Prosecutor for the State on the other hand 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 Additional Sessions Judge-X, Bhagalpur in connection with S.T. No.83/2023, arising out of Sabour P.S. Case No. 396/2022, 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 witnesses, 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 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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