

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41225 of 2022**

Arising Out of PS. Case No.-698 Year-2019 Thana- KATIHAR NAGAR District- Katihar

CHHOTU MANDAL @ AMAN KUMAR MANDAL SON OF LATE
YUGAL MANDAL @ YUGAL KISHOR MANDAL R/O VILLAGE- NAYA
TOLA ARGARA CHOWK, P.S.- KATIHAR TOWN, DISTRICT- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Pandey

For the Opposite Party/s : Mr.Madhuri Lata

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 25-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Katihar (T) P.S. Case No. 698 of 2019, Sessions Trial No.
306/2022 registered for the offences punishable under Sections
326, 302, 307, 34 of the Indian Penal Code.

As per prosecution case, co-accused Raja Sah and
others killed the informant's son.

Learned counsel for the petitioner submits that
petitioner is in custody since 21.08.2021. Petitioner bears seven
criminal antecedents in which he is on bail in two cases. Charge



sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is not named in the F.I.R. Name of present petitioner has been surfaced upon the disclosure of deceased Raushan Kumar as the motorcycle which was used in the occurrence belongs to the present petitioner. As per statement of deceased Raushan Kumar petitioner is not the assailant of deceased rather the assailant is co-accused Raja Sah. There is no specific overt-act against the present petitioner as per statement of deceased. Co-accused Rakesh Sah alias Rakesh Kumar Sah, who is the F.I.R. named accused, has already been granted bail vide Cr. Misc. No. 62429 of 2021 by a co-ordinate bench of this Court and the case of present petitioner stands on better footing as petitioner is not named in the F.I.R.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not named in the F.I.R., charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, co-accused has already been granted bail, argument advanced on



behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. - V, Katihar in connection with Katihar Town P.S. Case No. 698 of 2019, 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.



(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) If petitioner violates any of the conditions, the court below is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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