

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47203 of 2023

Arising Out of PS. Case No.-71 Year-2021 Thana- ALAMNAGAR District- Madhepura

Victor Mandal S/O Bijay @ Bijo Mandal @ Vijay Mandal R/O Village-
Naugachiya, P.S- Alam Nagar, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 28.07.2022, in connection with Sessions Trial No. 321 of 2022 arising out of Alam Nagar P.S. Case No. 71 of 2021, F.I.R. dated 30.03.2021 registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that informant Bindeshwari Mandal alleged therein that on 29.03.2021 at about 07:30 P.M. his elder brother Pramod Mandal has assaulted by the some unknown persons on the side of road in front of his house. Informant along with villagers took his brother in injured condition to the Government Hospital where doctor has referred to CNM Hospital, Bhagalpur and again doctor referred



to Silliguri for better treatment but Pramod Mandal did on the way.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the information furnished by the spy in paragraph-54 of the case diary that the petitioner has assaulted the victim on his head. He further submits that Diwakar Mandal and Rajendra Mehta are not the eye witnesses of the alleged occurrence and except the statement of the aforesaid, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence and even the family members of the deceased have not stated anything about the petitioner. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 28.07.2022.

5. The learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that it has come in paragraph nos. 57 and 58 of the case diary that witnesses namely Diwakar



Mandal and Rejendra Mehta categorically stated that the petitioner has assaulted to the deceased.

6. Considering the facts and circumstances of the case as well as period of custody, 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 Additional Sessions Judge-VIII, Madhepura in connection with Sessions Trial No. 321 of 2022 arising out of Alam Nagar P.S. Case No. 71 of 2021, 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 witness, 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 antecedents, 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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