

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53956 of 2023**

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

DEBO MANDAL @ DEBAN MANDAL SON OF LAKHAN MANDL @
LAKHAN MANDAL RESIDENT OF VILLAGE- CHHOTI PARBATTA,
PS- ISMAILPUR, DIST- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Khurshid Anwar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 26-09-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Ismailpur P.S. Case No. 163 of 2022 dated 12.12.2022
registered for the offence under Sections 363, 364, 365 and
35 of the Indian Penal Code and later on 302 of the Indian
Penal Code has been added.

The petitioner along with other are alleged to have
committed murder of the husband of the informant. She has
also alleged that prior to such incident, her son has also been
shot dead at the instance of the associates of the petitioner.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been



implicated in this case merely on the basis of suspicion. He further submits that there is no eye witness to the alleged occurrence even the informant has not seen the alleged occurrence. He further submits that the informant has also lodged a case being Ismailpur P.S. Case No. 30 of 2020 for the murder of her son against the co-accused of the present case but the petitioner had not been made accused in that case. He further submits that the petitioner has been implicated in this case on the allegation that he along with other co-accused were threatening her to withdraw the Ismailpur P.S. Case No. 30 of 2020. Save and except the suspicion, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. Moreover, co-accused, Sanjay Mandal, Bhola Mandal and Ghanshyam Mandal having more or less similar allegation have already been granted bail by a co-ordinate Bench of this Court vide order dated 21.06.2023, 12.07.2023 and 21.07.2023 passed in Cr. Misc. No.27134 of 2023, Cr. Misc. No.39958 of 2023 and Cr. Misc. No.42111 of 2023, respectively. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody



since 15.02.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that sufficient material has surfaced in this against the petitioner showing his involvement in the present occurrence. He further submits that the petitioner carries four more cases other than the present one but fairly submits that out of four cases, he has been allowed bail in three cases and got acquittal in one case.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Judicial Magistrate-1st Class, Naugachia, Bhagalpur in connection with Ismailpur P.S. Case No. 163 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be



canceled 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.

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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