

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62717 of 2022

Arising Out of PS. Case No.-126 Year-2022 Thana- KURSAKANTA District- Araria

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Pramod Kumar Mandal @ Pramod Mandal Son of Late Baidhyanath Mandal
@ Baidnath Mandal R/O Village- Sijhuwa, Ward No.- 13, P.S.- Kursakanta,
District- Araria Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 22-05-2023 Heard the parties.

The petitioner is apprehending his arrest in connection with Kursakanta P.S. Case No. 126 of 2022 for the offence under Sections 147, 149, 302, 504 and 506 of the I.P.C. lodged on 06.07.2022 by the informant Chandan Kumar Verma.

The prosecution story, in brief, is that the informant Chandan Kumar Verma alleged that on 05.07.2022, the petitioner no. 2 Pramod Mandal alongwith co-accused namely Nunulal Ray, Naresh Mandal, Raman Kumar Mandal, Gokul Mandal, Keshav Mandal, Nirmal Mandal, Pinki Devi, Patiya Devi, have committed murder of informant's father Ganga Prasad Das and petitioner Manoj Kumar-Mandal and other co-accused Shyamanand Jha further conspired the said murder. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that



admittedly, the informant is not an eye witness. The unfortunate death of his father happened when he was alone and due to enmity, he has been implicated which has resulted into lodging of F.I.R. against him.

Learned APP opposes the prayer stating that it is a case under Section 302 of the I.P.C.

Taking into account the fact that the informant is not the eye witness to the occurrence, allegations have been made against the accused persons only on the ground that this present petitioner used to threaten him of dire consequences, he do not have criminal antecedent and some of the co-accuseds have been extended the relief vide Cr. Misc. No. 53351 of 2022 by a co-ordinate Bench, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M., 1st, Araria , in connection with Kursakanta P.S. Case No. 126 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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