

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58432 of 2023

Arising Out of PS. Case No.-66 Year-2021 Thana- AAJAM NAGAR District- Katihar

AJAY MANDAL S/O LATE DILIP MANDAL R/O VILLAGE- PARIYA
BASA BARIYARPUR, P.S- BARIYARPUR, DISTT.- MUNGER.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-09-2023

Heard the parties.

2. The petitioner is an accused in connection with Sessions Trial No. 233 of 2021 arising out of Azamnagar (Salmari) P.S. Case No. 66 of 2021 registered for the offences under sections 302, 120(B) and 34 of the Indian Penal Code and section 27 of the Arms Act lodged on 04.04.2021 by the informant, Shambhu Kumar Bubna.

3. As per the prosecution story, the allegation is that the informant heard the sound of gun-shot, went to the place of occurrence and saw his brother lying in the pool of blood, the police came and took his brother to the hospital but he died mid-way. He alleged that under conspiracy, the accused persons killed him. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that only on suspicion, the police has picked him up and took his signature on plain paper which was made confessional statement and further though five witnesses have been examined, none of



them are eye witness rather all are hearsay witnesses.

5. The last submission is that some of the co-accused, namely Vyanjan Kumar Yadav @ Vyanjan Yadav and Sonelal Sahni @ Sonelal Sahani have since been granted bail in Cr. Misc. No. 50674 of 2021 and Cr. Misc. No. 50552 of 2021 respectively.

6. Learned APP for the State, on the other hand, opposes the prayer for bail stating that his name has come in the course of investigation.

7. Taking into account the fact that no one has named him in the FIR, on suspicion, his name has come, the confession which has been made before the police, some of the similar placed co-accuseds, as stated above, have been granted bail and he is in custody since 09.04.2021 (as stated in paragraph 12 of the bail application), this Court is inclined to extend him privilege of bail.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Court of Vth Additional District and Sessions Judge, Katihar in connection with S.T. No. 233 of 2021 arising out of Azamnagar (Salmari) P.S. Case No. 66 of 2021, 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 *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 month for next one year to mark 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 his 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 the bail bonds.

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

(Rajiv Roy, J)

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