

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59124 of 2023**

Arising Out of PS. Case No.-107 Year-2022 Thana- AKBARNAGAR District- Bhagalpur

Binay Mandal Son Of Late Basudeo Mandal Resident Of Village- Nayatola,  
Motichak, Ps- Akabarnagar, Distt- Bhagalpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Swapnil Kumar Singh, Adv.  
For the Opposite Party/s : Mr. Umesh Lal Verma, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

3      08-11-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with  
S.T. No. 286 of 2023 (Arising out of Akbarnagar P.S. Case No.  
107 of 2022) lodged under Sections 302, 201, 120B and 34 of  
the I.P.C.

3. As per the prosecution case, the F.I.R. has been  
lodged against the petitioner and other accused persons whose  
name has not been disclosed. Only on the basis of suspicion, the  
F.I.R. has been lodged.

4. Learned counsel for the petitioner submits that  
from the content of F.I.R. it is clear that there is only suspicion  
casted against the petitioner and no eye witness is there.  
Counsel submits that petitioner is in custody since 09.12.2022



having clean antecedent.

5. Counsel further submits that case diary has been called for vide order dated 04.09.2023 in this case. In the case diary, the only allegation against the petitioner is confessional statement of the co-accused.

6. Learned counsel for the State opposes the prayer for bail and submits that it is true that in the F.I.R., suspicion is there, but in the case diary, the confessional statement of the co-accused as well as by the self confession of the petitioner has completely tallied. The post-mortem report also supports the cause of death in the same fashion as mentioned in the confessional statement of the co-accused and his self confession.

7. Upon specific query whether charge has been framed or not. Counsel submits that as per his knowledge, charge has already been framed in this case and trial has commenced. Counsel further submits that no purpose shall be served to continue the petitioner in custody.

8. Considering the facts that there is no direct evidence and it is a case of circumstantial and suspicion, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-X, Bhagalpur, in connection with S.T. No. 286 of 2023 (Arising out of P.S. Case No. 107 of 2022), subject



to the following conditions as laid down under Section 437(3) of Cr.P.C. with other 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for 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 evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

**(Dr. Anshuman, J.)**

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