

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61760 of 2023**

Arising Out of PS. Case No.-330 Year-2011 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Bhim Mandal Son Of Lt. Prasadi Mandal Resident Of Village- Nadhi Diyara,
P.S.- Sahebganj, District- Sahebganj (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Shweta Anand, Advocate

Ms. Richa, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

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

2 25-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
25.07.2023 in connection with Town P.S. Case No. 330 of 2011 ,
F.I.R. dated 12.06.2011 for the offences punishable under
Sections 120(B), 201, 302 and later on section 328 of the IPC
has been added.

3. According to prosecution case, on 11/12.06.2011,
informant along with the police party was on patrolling duty,
they were passing through Company Bagh road, where near the
post-office, a dead body was lying on the road. On inquiry,
private guard Binod Singh disclosed that 3-4 persons came on a
Bolero vehicle left the said person and thereafter, they went
away. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis of the confessional statement of the co-accused person namely Lal Bahadur Singh. He further submits that the police after investigation submitted the charge sheet against the petitioner on 10.07.2022, after about eleven years of the occurrence. He further submits that except the confessional statement of co-accused person, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and even the family members of the deceased has not raised suspicion against the petitioner. He further submits that similarly situated, co-accused, namely, Chhotelal Mahaldar @ Chhotelal Mahldar and Rajendra Jha have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 22.12.2022 passed in Cr. Misc. No. 62810 of 2022 and Cr. Misc. No. 61776 of 2022. Further submits that the co-accused person, namely, Lal Bahadur Singh and Jagdish Ram have been granted bail by a co-ordinate Bench of this Court vide order dated 25.01.2023 passed in Cr. Misc. No. 35880 of 2022 and Cr. Misc. No. 43568 of 2022. He further submits that co-accused Dinesh Prasad Singh has been granted



bail vide order dated 28.06.2023 in B.P. No.864 of 2023 from the learned court below. The petitioner is in custody since 25.07.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Muzaffarpur in connection with Town P.S. Case No. 330 of 2011, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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)

Prakash Narayan

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