

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63587 of 2023

Arising Out of PS. Case No.-175 Year-2023 Thana- MOUZAHDIPUR District- Bhagalpur

Fucho Mandal @ Raju Mandal Son Of Late Balram Mandal Resident Of
Village- Pannuchak, Mata Asthan, Etmadpur, Ps- Ghogha, Distt- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Mojahidpur P.S. Case No.175 of 2023, lodged on 10.05.2023,
under Section 302 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against
unknown, who alleged to have killed a lady by stabbing knife.
The informant is S.I. of police station.

4. Learned counsel for the petitioner submits that the
FIR has been lodged against unknown and the petitioner has
been arrested on the basis of suspicion only. Counsel submits
that the police has arrested the petitioner only on the basis of
suspicion as the co-villager has informed that petitioner was in
inimical term with the deceased though the petitioner was the



Bhaisur, but the petitioner had apprehension that the deceased was in practice of witchcraft and, therefore, suspicion has been raised by the witness, who adduced her statement under Section 161 Cr.P.C. in paragraph-17 of the case-diary, and subsequently in paras-34 and 37 it has come that the petitioner was caught by the police at railway station and from his possession one country-made pistol and six live cartridges were recovered. Counsel for the petitioner further submits that case-diary has been called for and in para-17 only apprehension has been raised. There is no eyewitness of this occurrence. The cause of injury is stabbing knife. The said knife has not been recovered; rather a country-made pistol and live cartridges were recovered. Counsel further submits that antecedent of the petitioner is clean. He is in custody since 30.05.2023 only and only on the basis of suspicion. Counsel for the petitioner submits that petitioner is working at Punjab and he came to village on Puja but in the meantime this occurrence has taken place and during investigation his name has come in this case only and only by virtue of suspicion.

5. Learned counsel for the State opposes the prayer for bail.

6. Upon perusal of the case-diary, particularly



paragraphs-17, 34 and 37, it transpires to this Court that there is nothing specific against the petitioner.

7. In the present facts and circumstances of this case and the submissions made above, 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 Additional Chief Judicial Magistrate-XI, Bhagalpur, in connection with Mojahidpur P.S. Case No.175 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure 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)

Mkr./-

U		T	
---	--	---	--

