

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72840 of 2022

Arising Out of PS. Case No.-163 Year-2021 Thana- PIRI BAZAR District- Lakhisarai

Sunil Mandal Son Of Late Devendra Mandal @ Devi Mandal R/O Village-
Bariyarpur, P.S.- Piri Bazar, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 21-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 16.05.2022, in connection with Piri Bazar P.S. Case No. 163 of 2021, F.I.R. dated 24.10.2021 registered for the offences punishable under Sections 147, 148, 149, 307, 333, 353 of the Indian Penal Code, Section 25(1-A), 26, 27 of the Arms Act, Sections 3, 4, 5 of the Explosive Substance Act and Sections 16, 18, 20, 23 of the U.A.P. Act.

3. According to the prosecution, the son of the informant is said to have been abducted by the 15-20 Maoists and on protest made by the informant and police party they opened fire upon prosecution party. It is further submitted that during course of search operation, a dead body was found in the



orchard of Dhanik Bind along with A.K. 47 and 7.62 mm live cartridges. The said dead body was identified by the Chaukidar as a Hardcore Naxal, namely Pramod Kora.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case on the basis of the secret information received from the spy. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and the petitioner has been falsely implicated in this case merely on the basis of suspicion. He further submits that except suspicion, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and the petitioner has been implicated in the present case due to his previous criminal antecedent of the petitioner. Learned counsel for the petitioner further submits that co-accused person namely Dilip Kumar Mandal has been granted bail by this Court vide order dated 24.08.2022 passed in Cr. Misc. No. 16734 of 2022, another co-accused persons namely Chandan Naiya @ Kandua Naiya has been granted bail by this Hon'ble Court vide order dated 14.02.2023 passed in Cr. Misc. No. 53497 of 2022 respectively. He further submits that the police after investigation submitted chargesheet against the



petitioner and the petitioner is in custody since 16.05.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries nine more cases of similar nature other than the present one but fairly submits on the basis of second supplementary affidavit filed by the petitioner that out of nine cases, the petitioner is on bail in seven cases.

6. Considering the facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner and the name of the petitioner has been transpired on the basis of the secret information furnished by the local spy and other co-accused persons have been granted bail by this Hon'ble Court, let the petitioner, above named, be released on bail, **after framing of charge, if not framed**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IIInd, Lakhisarai in connection with Piri Bazar P.S. Case No. 163 of 2021, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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)

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