

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63815 of 2022

Arising Out of PS. Case No.-156 Year-2022 Thana- BARHIYA District- Lakhisarai

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1. TENI MANDAL S/O JAGO MANDAL @ JAGO MAHTO
 2. NIRGUN MANDAL @ NIRGUN MAHTO S/O LATE RAMDEO MANDAL
- Both are Resident of Village- Kalyanpur, P.S.- Barahiya, District- Lakhisarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate
For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-03-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 302,120(B)/34 of IPC and Section 27 of Arms Act.

The prosecution case, in short, is that the informant alleged that his brother was murdered by Jito Mandal, Nirgun Mandal (petitioner), Rohan Mandal, Teni Mandal (petitioner), Pramod Singh in furtherance of their common intention.

Learned counsel appearing for the petitioners submits that petitioner No.1 carries one more case other than the present one and petitioner No.2 has clean antecedent. They have falsely



been implicated in the present case. Further submits that the informant is not the eye witness of the occurrence and only on the basis of the suspicion, the name of the petitioners have falsely been implicated in the present case and except the suspicion, no other cogent material has come during investigation against the petitioners. Further submits that the postmortem report suggests that only one injury was found on the person of the deceased and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 16.07.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Barahiya P.S. Case No. 156 of 2022 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

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

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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