

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62183 of 2022

Arising Out of PS. Case No.-223 Year-2022 Thana- NATHNAGAR District- Bhagalpur

INDRADEO MANDAL S/O UMESH MANDAL Resident of Village-
Kanjhia, P.S.- Madhusundanur, District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Sagrika, Advocate
		Mr. Anuj Kumar, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
16.07.2021 in connection with Nathnagar (Madhusudanpur) P.S.
Case No. 223 of 2022, F.I.R. dated 16.07.2021 for the offences
punishable under Sections 302, 328 and 34 of the Indian Penal
Code.

According to prosecution case, this petitioner along
with other co-accused persons committed murder of the brother-
in-law of the informant by administering poisonous substance.

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 suspicion.
He further submits that the allegation as alleged in the F.I.R. is



false and fabricated and the informant is not the eye witness of the alleged occurrence. He further submits that the petitioner was made full and final payment of the land to Arun Mandal before registration of land and the deceased was addicted to alcohol and he may be died due to consumption of poisonous liquor. He further submits that similarly situated, co-accused, namely, Jhuna Devi has been granted bail by a co-ordinate Bench of this Court vide order dated 09.05.2023 passed in Cr. Misc. No. 2841 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 16.07.2021.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the basis of material available on the record and case diary submits that it has come during investigation in para 44 and 51 of the case diary and F.S.L. report also confirms that the brother-in-law of the informant has died due to poison but fairly submits that the same allegation was against co-accused Jhuna Devi who has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 09.05.2023 passed in Cr. Misc. No. 2841 of 2023.

Considering the aforesaid facts and circumstances and



co-accused Jhuna Devi has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 09.05.2023 passed in Cr. Misc. No. 2841 of 2023, 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, Bhagalpur in connection with Nathnagar (Madhusudanpur) P.S. Case No. 223 of 2022, 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 witnesses, 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 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)

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