

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65785 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- TIKAPATTI District- Purnia

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1. NIRMALA DEVI Wife of Rajesh Mandal
 2. RAJESH MANDAL Son of Late Banarsi Mandal
- Both are R/v- Tikapatti, P.S.- Tikapatti, Dist- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 21-08-2023 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

2. The petitioners seek bail, who are in custody since
28.07.2022 in connection with Tikapatti P.S.Case No.74 of
2022, F.I.R. dated 27.07.2022 registered for the offence
punishable under Sections 302,34 of the Indian Penal Code.

3. The father of the informant is said to have been
killed by the petitioners.

4. Learned counsel appearing for the petitioners
submits that the petitioners have clean antecedent and they have
falsely been implicated in the present case merely on the basis
of suspicion. Further submits that the informant is not the eye
witness of the alleged occurrence and even no one has seen the



alleged occurrence and when the petitioner No.2 has found that the condition of the deceased is very serious and then he informed the family members of the deceased and thereafter, the present FIR has been instituted in which petitioners have been falsely implicated in the present case and both are husband and wife and except the suspicion no other material has come during investigation against the petitioners to suggest the involvement of the petitioners in the present occurrence and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 28.07.2022.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners and submits that it has come during investigation that the petitioners are involved in the present crime in question.

6. Vide order dated 04.08.2023, a report was called for with regard to the present status of the trial. Report dated 09.08.2023 of the learned Trial Court reveals that the charge has been framed against both the petitioners on 02.03.2023 but till date the prosecution has not examined any witness.

7. Learned counsel for the petitioners submits that in view of the report of the learned Trial Court that there is no chance of early conclusion of the trial in near future and the



petitioners are in custody since 28.07.2022.

8. In view of the aforesaid as well as the report of the learned Trial Court, 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 learned Judicial Magistrate, 1st Class, Purnea in connection with Tikapatti P.S.Case No.74 of 2022, with the following conditions:-

(I) 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 bond shall be cancelled by the Court below.

(II) 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.

(III) 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 antecedent, 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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