

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70879 of 2023**

Arising Out of PS. Case No.-58 Year-2017 Thana- MARAUNA District-
Supaul

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1. BADRI MANDAL @ BADRI NR. MANDAL SON OF LATE SUNDAR MANDAL @ LATE SUNAR MANDAL RESIDENT OF VILLAGE - PARARI, P.S. - MARAUNA, DISTRICT - SUPAUL
 2. RAM PRAKASH MANDAL SON OF SHIV NARAYAN MANDAL RESIDENT OF VILLAGE - PARARI, P.S. - MARAUNA, DISTRICT - SUPAUL
 3. JAGARNATH MANDAL SON OF BADRI MANDAL @ BADRI NR. MANDAL RESIDENT OF VILLAGE - PARARI, P.S. - MARAUNA, DISTRICT - SUPAUL
 4. RAMPUKAR MANDAL SON OF SHIV NATH MANDAL RESIDENT OF VILLAGE - PARARI, P.S. - MARAUNA, DISTRICT - SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Jha
For the Opposite Party/s : Mr.Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-11-2023 Heard Mr. Arun Kumar Jha, learned counsel for the
petitioners and Mrs. Madhuri Lata, learned A.P.P. for the State.

The petitioners apprehend their arrest in Marauna P.S.
Case No. 58 of 2017 registered for the offence under Sections
341, 323, 302, 120(B), 504, 506/34 of the Indian Penal Code.

The petitioners are alleged to have committed murder
of husband of the informant by pressing his neck.

Learned counsel appearing for the petitioners submits
that the petitioners, who are of clean antecedent, are innocent
and have falsely been implicated in this case. He further submits



that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioners have not committed any offence. He further submits that the police after investigation has submitted final form on 31.01.2020 exonerating the petitioners from the charges as leveled in the F.I.R. but the learned Magistrate deferring with the police report has taken cognizance against the petitioners on 08.04.2020 including other accused persons.

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

Considering the facts and circumstances of the case and the fact that the petitioners are having clean antecedent and the police after investigation has submitted final form exonerating the petitioners from the charges as leveled in the F.I.R., let the, above named, petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, 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 A.C.J.M.-5th, Supaul pending in connection with Marauna P.S. Case No. 58 of 2017, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also 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 bond shall be canceled 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 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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