

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74823 of 2023**

Arising Out of PS. Case No.-2 Year-2023 Thana- KURSAILA District- Katihar

Sumrit Mandal @ Samrit Mandal @ Sumrit Kumar Mandal Son Of Dinesh  
Mandal R/O Village- Kataria, P.S.- Kursels, Distt.- Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      29-11-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with  
S.T. No.496 of 2023, arising out of Kursela P.S. Case No.2 of  
2023, lodged on 04.01.2023, under Section 302/34 of the Indian  
Penal Code and under Section 27 of the Arms Act.

3. As per the FIR, the informant has disclosed that on  
04.01.2023 at about 12.30 PM the informant along with her  
husband and other relatives were doing work in maize field then  
at about 1:00 PM co-accused Sumit Yadav along with other four  
unknown accused persons reached there. Allegation of firing is  
against co-accused Sumit Yadav.

4. Learned counsel for the petitioner submits that the  
petitioner is not named in the FIR. The specific allegation of



firing is against co-accused Sumit Yadav not against the petitioner. Counsel submits that petitioner is in custody since 31.05.2023 and is accused in one more criminal case, in which he is on bail. Counsel also submits that other other co-accused has been granted bail by a coordinate Bench of this Court vide order dated 28.07.2023 passed in Cr. Misc. No.46665 of 2023.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Katihar, in connection with S.T. No.496 of 2023, arising out of Kursela P.S. Case No.2 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

**(Dr. Anshuman, J)**

Mkr./-

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