

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69815 of 2022

Arising Out of PS. Case No.-57 Year-2016 Thana- CHAKAI District- Jamui

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TEJO MANDAL @ SATYA NARAYAN MANDAL S/O Late Bhatu Mandal
R/O Village- Gadi, P.S- Chakai, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 28.11.2019, in connection with S. Tr. No. 343/2019, arising out of Chakai P.S. Case No. 57/2016 (G.R. No. 795AA/2016), F.I.R. dated 22.05.2016, for the offences punishable under Sections 302/34 of the Indian Penal Code and Sections 16, 17, 18, 19, 20, 21 and 22 of U.A.P. Act.

According to prosecution case, the petitioner along with other co-accused persons came to the house of the informant and kidnapped her husband namely, Tipan Mandal and two others namely, Jogendra Turi and Mukesh Das and killed them by means of *Tangi*.

Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that nothing incriminating article has been recovered from conscious possession of the petitioner and the informant is not an eyewitness of the alleged occurrence. He further submits that except the suspicion, no cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the similarly, co-accused, namely, Ramesh Marandi has been granted bail by a co-ordinate Bench of this Court vide order dated 05.03.2018 passed in Cr. Misc. No.49583/2017, other co-accused namely, Baso Mandal has been granted bail vide order dated 04.07.2018 passed in Cr. Misc. No.36528/2018, other co-accused namely, Jageshwar Mandal has been granted bail vide order dated 10.10.2018 passed in Cr. Misc. No.60829/2018 and other Co-accused persons, namely, Rana and Govind Mandal have been granted bail vide order dated 18.01.2020 passed in Cr. Misc. No.50295/2019 and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 28.11.2019.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of



the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one.

Vide order dated 28.03.2023 a report was called for from the Trial Court regarding stage of the trial. Report dated 01.04.2023 of the Trial Court reveals that the charge has been framed against the petitioner on 10.01.2020 but till date no prosecution witness has been produced by the prosecution.

Learned counsel for the petitioner submits that in view of the report of the Trial Court, the trial is not likely to be concluded in near future and the petitioner is in custody since 28.11.2019.

Considering the aforesaid facts and circumstances, 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 Additional Sessions Judge-IV-cum-Special Judge Excise II, Jamui, in connection with S. Tr. No. 343/2019, arising out of Chakai P.S. Case No. 57/2016, G.R. No. 795AA/2016, 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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