

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7633 of 2024

Arising Out of PS. Case No.-101 Year-2022 Thana- HABIBPUR District- Bhagalpur

DAYANAND MANDAL S/O- SRI DILIP MANDAL R/O- VILLAGE-
BHAIROPUR, P.S.- HABIBPUR, DIST.- BHAGALPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR , PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 20-03-2024 Heard the parties.

2. The petitioner is in custody in connection with Session Trial No. 138 of 2023 arising out of Habibpur P.S. Case No. 101 of 2022 for the offence under Sections 302, 324, and 34 of the Indian Penal Code lodged on 20.06.2022 by the Informant, Meera Devi.

3. As per the prosecution story, the allegation is that the informant's son had gone for some work in the courier company and later, she got information about his killing.

4. It has further been alleged that the deceased was having an affair with a married lady and after



counselling, they were separated. She was further having affair with another person for which she was assaulted by petitioner herein. Thereafter, the matter was compromised on 26.6.2022 and the petitioner called her son to the garden of Yudhisthir Mandal, where he was waiting and after some hot conversation, allegedly killed him.

5. Earlier report was called for on 9.2.2024 which has since been received and as per the letter no. 333(i) dated 27.2.2024, out of 15 witnesses, only six witnesses have been examined. The deposition is also on record which that shows two of them have been declared hostile. The petitioner is in custody since 2.7.2022 (para-10 of the petition).

6. Learned counsel for the petitioner submits that if granted bail, he shall be diligently appearing in trial and shall take no steps to delay the same.

7. Learned APP opposes the prayer for bail.

8. Taking into account the fact that he has remained in custody since 2.7.2022, the petitioner do not have criminal antecedent, out of 15 prosecution witnesses, only six have been examined, two of which have been declared hostile, the petitioner is ready to diligently appear



in trial, this Court is inclined to extend him the privilege of bail with conditions.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-XI, Bhagalpur, in connection with Sessions Trial No. 135 of 2023, arising out of Habibpur P.S. Case No. 101 of 2022 subject to the 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take



steps for cancellation of the bail bonds;

(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 his bail bonds.

(Rajiv Roy, J)

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