

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23196 of 2024

Arising Out of PS. Case No.-303 Year-2021 Thana- SURSAND District- Sitamarhi

Jagarnath Mandal SON OF Mahendra Mandal VILLAGE- SURSAND, PS-
SURSAND, DIST- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Ranjeet Kumar Mishra, Advocate
For the Opposite Party/s :	Mr.Prem Kumar Jha, APP
	Mr. Santosh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-07-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel appearing on behalf of the
informant.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 302/34 of the IPC in connection with Sursand P.S. Case
No.303 of 2021.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of one case and the informant
alleges that the dead body of his brother was found smeared in
blood lying on the verandah of a room near a flour mill, with
sharp cut injury on head. Accordingly, the F.I.R. was instituted
against unknown.

4. The learned counsel for the petitioner submits that



from perusal of the allegation as alleged in the F.I.R., it would manifest that the F.I.R. is against unknown and the informant who is brother of the deceased has not even remotely raised any suspicion against anyone. It is next submitted that name of this petitioner transpired based on the confessional statement of Avinash Kumar in police custody, which does not have any evidentiary value. It is also submitted that Avinash Kumar has been granted regular bail by a learned Coordinate Bench by order dated 13.10.2022 in Cr. Misc. No.71975 of 2021. It is next submitted that during the course of investigation, the parents of the deceased raised suspicion against the petitioner, but then the said suspicion is not part of the F.I.R., which was instituted by the brother of the deceased which amply demonstrates that during the course of investigation by way of afterthought the said suspicion has been raised. It is next submitted that petitioner will not abscond rather will cooperate in the investigation and will present himself as and when required by the Investigating Officer for eliciting the truth and proving his innocence.

5. The learned APP and the learned counsel appearing on behalf of the informant opposes the anticipatory bail application of the petitioner, but then are not in a position to



rebut the submission of the learned counsel for the petitioner that FIR is against unknown, no suspicion has been raised by the informant against any one in the FIR, and the name of the petitioner transpired in confessional statement of Avinash who has been granted the privilege of regular bail by order dated 13.10.2022 in Cr. Misc. No.71975 of 2021.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sitamarhi in connection with Sursand P.S. Case No.303 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself as and when required, in that event, the learned trial court shall be at liberty to cancel



the bail bonds of the petitioner after recording reason.

8. Let a copy of this order be sent to the concerned
P.S. through the learned Trial court.

9. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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