

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26648 of 2024

Arising Out of PS. Case No.-43 Year-2021 Thana- GWALPARA District- Madhepura

Bhupesh Mandal son of Suman Mandal Vill- Laliya Ward No 4 Ps- Gwalpara
Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Akash Anand, Adv.
For the Opposite Party/s	:	Mr.Mohammed Arif, APP
For the Informant	:	Mr.Pawan Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 26-06-2024 Heard learned counsel for the petitioner, learned
A.P.P. for the State and counsel for the informant.

2. The petitioner seeks regular bail in connection with
Gwalpara P.S. Case No. 43 of 2021, S.T. No.15 of 2023 lodged
under Sections 302 and 34 of the I.P.C. read with Section 27 of
the Arms Act.

3. As per the prosecution case, the F.I.R. has been
lodged against seven named accused persons including the
petitioner against whom there is allegation of murder in
connivance with each other in the F.I.R. against the named
accused persons.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits



that from the contents of the F.I.R., it become clear that there is no eye witness of the said occurrence. He further submits that antecedent of the petitioner is not clean and there are two criminal cases pending against him in which he is on bail and he is in custody since 07.01.2023 and charge has already been framed.

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

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the petitioner has not moved before this Court with clean hand. In the bail petition of paragraph 3, it has been mentioned that there are two antecedent where in the rejection order, it has been given that there are 6 criminal cases pending against him.

7. Counsel further submits that the petitioner was earlier absconding in this case and not secured his appearance, but only after passing order dated 10.11.2022 in Cr. Misc. No.24558 of 2022 in which additional bail has been granted to five accused persons then he has surrender in this case.

8. In the present facts and circumstances of this case and the submissions made above and particularly when charge has been framed and no purpose shall be solved keeping the



petitioner in custody. As such, let the petitioner above named, be granted bail only when there is only two criminal cases pending against him, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge-1st, Madhepura in connection with Gwalpara P.S. Case No. 43 of 2021, S.T. No.15 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. and if it has been found that the petitioner has more than 2 antecedent then he shall not be released on bail.

(Dr. Anshuman, J.)

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