

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31458 of 2024

Arising Out of PS. Case No.-287 Year-1997 Thana- KAHALGAON District- Bhagalpur

BRAHMDEO MANDAL SON OF LATE JAGDISH MANDAL RESIDENT
OF VILLAGE - MILKI, POLICE STATION - KAHALGAON, DISTRICT -
BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Manoj Kumar

For the Opposite Party/s : Mr.Md. Fahimuddin

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 24-09-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with S. Tr. No. 980A of 2005 arising out of Kahalgaon P.S. Case No. 287 of 1997 dated 22.10.1997 registered for the offences punishable u/ss 302, 201 read with section 34 of the Indian Penal Code.

3. As per the prosecution case, the informant's son went to NTPC Kahalgaun for work but did not return, thereafter his family members started searching for him but did not found him anywhere. In the meantime, they came to know that a dead body was found in the well, thereafter police came and the dead body was recognized as the informant's son. It is further alleged



that the co-accused Pradeep Thakur along with the other accused persons killed the informant's son and threw his dead body in the well.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR. The name of the petitioner has sprung up on mere suspicion. It is further submitted that earlier the petitioner has been granted bail and the conducting counsel of the petitioner did not inform about the case to the petitioner, thereafter, the bail bond of the petitioner was cancelled on 19.07.2008, thereafter nonailable warrant was issued against the petitioner. It is further stated that the proceeding under section 82 and 83 of the Cr.P.C. and permanent warrant were also issued against the petitioner. It is further submitted that the petitioner was not aware about the proceedings of court below. Even the counsel for the petitioner had not informed to the petitioner. It is the case of first misuse of privilege of bail granted by the Hon'ble Court to the petitioner. The petitioner has three criminal antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 11.05.2023.

5. Learned A.P.P. for the State has vehemently



opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Bhagalpur in connection with S. Tr. No. 980A of 2005 arising out of Kahalgaon P.S. Case No. 287 of 1997, with the following condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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