

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39508 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- FALKA District- Katihar

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Anil Kumar Mandal Son Of Late Bishnudev Prasad Mandal R/O- Village
Gopal Patti ,P.S- Falka Dist-Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Uma Shankar Prasad Singh, APP
For the Informant	:	Mr. Rajesh Kumar Singh, Sr. Advocate

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 26-07-2024 Heard learned counsel for the petitioner and learned APP

for the State as also learned senior counsel for the informant.

Perused the case diary.

2. The petitioner seeks bail in connection with Falka
P.S. Case No. 04 of 2024 instituted for the offence under
Sections 307, 302 & 34 of the Indian Penal Code and Section 27
of the Arms Act.

3. Prosecution case in short is that husband of the
informant and his shop's staff was fired by the unknown
miscreants. Husband of the informant was declared dead by
Falka PHC, while staff of the shop died during the course of
treatment.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 04-01-2024. Petitioner bears three criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case owing to political motive that too on the basis of suspicion which is alleged in the FIR. It is submitted that inquest report of the husband of the informant was prepared on 02-01-2024 while *Fardbeyan* was registered on 03-01-2024. It is submitted that statement of the informant was recorded by police and from bare perusal of the same, it appears that instead of the informant, sister of the informant has given the statement and she has referred the deceased as her brother-in-law (*Jeeja*) in the entire further investigation. There is no specific allegation attributed to the petitioner, rather there is general and omnibus allegation levelled against the petitioner. Specific allegation is against co-accused, namely, Jitendra Yadav, who fired upon the husband of the informant and co-accused, namely, Manohar Yadav, who fired upon the shop's staff of the informant and he succumbed to the injuries. It is next submitted that the CCTV footage of the place of occurrence was collected, and petitioner



was not identified or seen in any manner at the place of occurrence. It is submitted that even the witness who was present at the time of occurrence has not seen the petitioner at the place of occurrence. It is lastly submitted that charge sheet has already been submitted in this case.

6. Learned A.P.P. for the State and learned senior counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that the present one is the case of double murder. It is submitted by learned counsel for the State that petitioner has acted as liner and conspirator in this case and the case has been supported by witnesses in their statement, which fact finds mention in paragraph No. 8, 9, 10 & 11 of the case diary. Referring to paragraph No. 47 of the case diary, it is submitted by learned counsel appearing on behalf of the State that allegation of firing upon the husband of the informant is specifically attributed to the co-accused, namely, Jitendra Yadav, whereas firing upon the shop's staff is attributed to the Manohar Yadav, who succumbed to the injuries.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no specific allegation attributed to the petitioner nor there is any



cogent material available in the case diary against the petitioner, rather allegation of firing is against co-accused Jitendra Yadav and Manohar Yadav, which fact finds mention in paragraph No. 47 of the case diary, and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Falka P.S. Case No. 04 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses, during the investigation or trial, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(IV) In case of default in compliance of any of the



aforesaid condition/s, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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