

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40150 of 2024

Arising Out of PS. Case No.-87 Year-2022 Thana- BHAIKAVSHTHAN District- Madhubani

Laxmi Mandal Son Of Phul Dev Mandal @ Fuldev Mandal R/O- Village-
Korlahiya, P.S.- Runnisaidpur, Dist.-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-07-2024 Heard the learned Advocate the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Bhairavsthan P.S. Case No. 87 of 2022,
registered for the offence punishable under Sections 302 and
201/34 of the Indian Penal Code.

3. Based on the *fardbeyan* of the informant, it is
alleged that a dead body was found floating in a *pokhar* and on
an information given to the police, the same was recovered.
However, none of them identified the dead body.

4. Learned Advocate for the petitioner submits that the
FIR was instituted against unknown persons. During the course
of investigation, co-accused *Ganesh Thakur* and *Amir Kumar*
were apprehended and their extra judicial confession were
recorded by the police. The name of the petitioner has sprung up



on the confessional statement of co-accused *Ganesh Thakur* and *Amir Kumar*, who have already been granted bail by the learned co-ordinate Bench of this Court vide Cr. Misc. No. 8749 of 2023 and 4008 of 2023, respectively, the copies of which have been marked as Annexure-2 series. It is also contended that save and except the confessional statement, there is no material suggesting the complicity of the petitioner in the present crime and, moreover, the petitioner is in custody since 17.11.2023 and the investigation of the crime is complete.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the co-accused persons have disclosed the complicity of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the persons on whose confession, the name of the petitioner has surfaced have already allowed bail by this Court, coupled with the period of custody and the fact that the investigation of the crime is complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-III, Jhanyharpur, Madhubani in connection with Bhairavsthan P.S. Case No. 87 of



2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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