

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53514 of 2024

Arising Out of PS. Case No.-55 Year-2022 Thana- EKCHARI District- Bhagalpur

Sonelal Mandal Son of Gholti Mandal Village- Khawaspur, PS- Pirpaiti, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indeshwari Mandal, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 02-08-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with S.T. No. 351 of 2023 arising out of Ekchari P.S. Case No. 55 of 2022 instituted for the offences under Sections 302, 120-B, 201/34 of the Indian Penal Code.

3. As per prosecution case, the accusation against the accused persons including the present petitioner is of committing murder of the deceased after creating a criminal conspiracy against him.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case



on the basis of the suspicion as also on the confessional statement of the co-accused Putul Devi. The petitioner was not arrested on the spot and has voluntarily surrendered before the court below. Nothing incriminating has also been recovered from the concessions possession of the petitioner. He further submits that except confessional statement, there is nothing against the petitioner in the entire case diary. It is further submitted that the brother of the deceased has instituted the F.I.R. but, he himself is not the eye-witness to the alleged occurrence. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 17.10.2022 without any rhymes or reason. After investigation, the charge-sheet has been submitted and the charge has also been framed.

5. Learned counsel for the petitioner again submits that the co-accused namely Suresh Mandal has been granted bail by this Court vide order dated 02.04.2024 passed in Cr. Misc. No. 23038 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner,



stating that the offence alleged is serious in nature. The postmortem report supports the prosecution case and, thus, he does not deserve bail.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 S.T. No. 351 of 2023 arising out of Ekchari P.S. Case No. 55 of 2022.

(Rudra Prakash Mishra, J)

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