

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56172 of 2024

Arising Out of PS. Case No.-51 Year-2024 Thana- BHAWANIPUR District- Purnia

Pankaj Kumar Mandal S/O Bindeshwari Mandal, R/O Village- Birsal,
Tintenga,P.S.- Bhawanipur, Distt- Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Anuj Prakash, Advocate
		Mr. Rakesh Kr. Sinha, Advocate
For the Opposite Party/s	:	Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-09-2024 Heard Mr. Anuj Prakash, the learned counsel for the petitioner, assisted by the learned counsel Mr. Rakesh Kumar Sinha and Mr. Md. Shakir Ahmad, the learned Additional Public Prosecutor for the State through virtual mode.

2. Petitioner seeks regular bail who is in custody since 06.04.2024, in connection with Bhawanipur P.S. Case No. 5118002240051 of 2024, FIR dated 25.02.2024, registered for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code.

3. According to the prosecution case, the in-laws of the informant's sister used to assault her and malign her with false allegations. It is further alleged that on 24.02.2024, the co-accused persons assaulted informant's sister and murdered her by pressing her neck and informed the informant that his sister



has committed suicide.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that in fact, the petitioner performed marriage with the victim long back on 25.05.2015 and from the year 2015 to 2024, no complaint has been made by the family members of the deceased against the family members of the petitioner, however, after the death of the deceased, the petitioner and his family members have been falsely implicated in the present case. He further submits that from perusal of the FIR, it appears that altogether seven persons have been made accused in the FIR, but the police after investigation has submitted chargesheet 29.06.2024 and exonerated other six co-accused persons, except the petitioner and chargesheet has been submitted by the police only against the petitioner. He further submits that for the same set of allegation, the police after investigation has exonerated all the co-accused persons except the petitioner and without any evidence the prosecution has filed a chargesheet against the petitioner and the petitioner has *suo motu* surrendered on 06.04.2024.

5. The learned Additional Public Prosecutor for the



State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent and during investigation prosecution has not found anything against any other co-accused persons and filed the chargesheet only against the petitioner, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea, in connection with **Bhawanipur P.S. Case No. 5118002240051 of 2024**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial



Court 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 learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Shahnawaz/-

U		T	
---	--	---	--

