

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55933 of 2024

Arising Out of PS. Case No.-30 Year-2024 Thana- Pothia District- Katihar

RABINDRA MANDAL SON OF KARU MANDAL RESIDENT OF
VILLAGE - NARAIHIYA CHANDPUR, P.S. - POTHIIYA, DISTRICT -
KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Adv.

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 18-11-2024 Heard Mr. Sanjeev Kumar Singh, learned counsel
for the petitioner and the State.

2. The petitioner is in judicial custody in connection with Pothiya P.S. Case No. 30 of 2024 for the offences punishable under Sections 302/34 of the IPC, lodged on 17.05.2024 by the informant, Sadanand Paswan.

3. As per the prosecution story, the informant alleged that his father used to reside in the '*Kamath*' of the petitioner and the allegation is that due to altercation which took place amongst his father, one Alkattar Rishi @ Prayag Muni and this petitioner, he was killed by them, which led to the FIR.

4. Learned counsel for the petitioner submits that save and except the apprehension of the informant's son that since he was residing in the '*Kamath*' of the petitioner, was



murdered has no support during course of investigation. His submission is that only on the basis of hearsay, the petitioner has been taken into custody, there is no further investigation and/or the statement of the locals/villagers to show the complicity of this petitioner in the alleged occurrence. The allegation is that due to money transaction, the murder took place. His submission is that the deceased being the employee of the petitioner since years, it is unexpected that a money transaction dispute will take place with him.

5. In this case, the Co-ordinate Bench had called for the case diary and learned APP submitted that the informant supported the prosecution story in course of investigation.

6. It is unfortunate that despite a death took place, the police failed to properly investigate the matter inasmuch as pursuant to the allegation that came in the FIR, the role of the petitioner was not ascertained, there is nothing on record in the case diary as to anyone has made statement regarding his complicity. He has remained in custody since 17.05.2024 (para-15 of the petition) and has no criminal antecedent, it has been undertaken by the learned counsel for the petitioner that he shall be diligently appearing in the trial, in that background, this Court is inclined to grant him privilege of bail.



7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.



8. Nothing recorded in this order shall be taken into account at the time of trial as the same has been considered only for the purpose of bail.

9. Let a copy of this order be communicated to Superintendent of Police, Katihar for his perusal and necessary action inasmuch as the Court is of the opinion that the investigation has not been properly conducted in the death of an innocent person.

(Rajiv Roy, J)

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