

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62775 of 2023

Arising Out of PS. Case No.-589 Year-2022 Thana- BIHPUR District- Bhagalpur

Shankar Mandal Son Of Jichchi Mandal @ Jichcho @ Jochho Mandal
Resdient Of Village Babupur, P.S- Sabour District Bhagalpur. Presently
Resident Of Village- Baggarha (BASGADHA), Ps- Parbatta, Dist- Bhagalpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Yadav,Advocate

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-02-2024 Heard Mr.Ashok Kumar Yadav, learned counsel

for the petitioner and Mr.Md. Ataur Rahman, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bihpur (Bhawanipur) P.S.Case No.589 of 2022,FIR dated 24.10.2022 registered for the offences punishable under Sections 364,120(B),34 of IPC later on Section 302/201 of IPC were added.

3. As per the prosecution case, the co-accused persons along with some unknown persons are alleged to have murdered the informant's son and the dead body was thrown in the river Ganga under conspiracy.

4. Learned counsel for the petitioner submits that



the petitioner has clean antecedent and he has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused persons, namely, Chhotu Kumar and Gopal Kumar. Further submits that except the confessional statement of co-accused persons, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner but fairly submits that except the confessional statement of co-accused persons, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence .

6. Considering the aforesaid facts, petitioner has clean antecedent and except the confessional statement of co-accused persons, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of



receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M-1st.,Naugachia, Bhagalpur in connection with Bihpur (Bhawanipur) P.S.Case No.589 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

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

(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 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/her criminal antecedent, the court below 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)

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