

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64385 of 2024

Arising Out of PS. Case No.-117 Year-2022 Thana- ISMAILPUR District- Bhagalpur

Kailash Mandal @ Kailash Kumar S/o Late Sukhraj Mandal R/o vill - Binoba
Tola, Jotgovind (Ismailpur), P.S. - Ismailpur, Distt. - Bhagalpur .. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv.
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-12-2024 Heard Mr. Rajesh Kumar, learned counsel for the
petitioner and Mr. Jitendra Kumar Singh, learned APP.

2. The petitioner is in judicial custody in connection with S.T. No. 93/2023 arising out of Ismailpur P.S. Case No. 117 of 2022 for the offences punishable under Sections 302/120(B)/34 of the IPC and Section 27 of the Arms Act, lodged on 06.10.2022 by the informant, Kundan Kumar.

3. As per the prosecution story, the informant alleged when his brother was moving from his house, two accused persons snatched his mobile and fled away. Later, when his brother was there to attend the fair, saw the two boys, tried to click their photos and allegation is that Sonu Kumar opened the fire killing the boy on the spot. He managed to escape while Ankit Kumar was apprehended by the locals which led to the FIR/arrest.

4. Subsequently, during investigation the name of the petitioner as also one Pujo Yadav cropped up showing conspiracy angle.



5. It is the case of the petitioner that a perusal of the FIR would show that in both the allegation of snatching the mobile as also assault of the deceased, the role of Ankit Kumar and Sonu Kumar cropped up. Further, specific allegation is against Sonu Kumar of opening fire killing the brother of the informant on the spot. This petitioner, though, has been dragged showing conspiracy angle, he is not the main assailant. Further, Sonu Kumar has been granted bail in Cr. Misc. No. 53990 of 2024 on 28.11.2023 by a Bench of this Court, [Hon'ble Mr. Justice Sunil Kumar Panwar (as his Lordship then was)].

6. Learned APP opposes the prayer submitting that his name has come during the course of investigation.

7. Though the petitioner has been made an accused in this case, the allegation as per FIR is on Sonu Kumar of opening fire causing immediate death of the brother of the informant, he has been made an accused, will fact the trial, is in custody since 31.05.2024 (para-19 of the petition), the trial will take its journey, main assailant has been granted relief by a Bench of this Court, as stated above, in that background, this Court is inclined to extend him the privilege of bail.

8. 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 3rd Additional District & Sessions Judge, Naugachia, Bhagalpur in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member/relative 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.

(Rajiv Roy, J)

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