

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64329 of 2024

Arising Out of PS. Case No.-266 Year-2023 Thana- MOUZAHDIPUR District- Bhagalpur

Mantu Mandal Son of Dinesh Mandal Resident of Bhiropur, P.S. Habibpur,
Dist.- Bhagalpur. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra, Adv.
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-12-2024 Heard Mr. Anil Chandra, learned counsel for the

petitioner and Mr. Bharat Bhushan, learned APP.

2. The petitioner is in judicial custody in connection with S.T. No. 59/2024 arising out of Mojahidpur (Babarganj) P.S. Case No. 266 of 2023 for the offences punishable under Sections 302/120(B)/34 of the IPC, lodged on 06.08.2023 by the informant, Sushila Devi.

3. As per the prosecution story, the informant alleged that earlier a Flipkart delivery boy was killed in which her son (deceased) was made accused by Dilip Mandal. They were in custody and recently came out. On the fateful day, information came that he has been killed in the temple and as they reached there, found the dead body. The allegation was made against this petitioner that he under conspiracy with others, killed the son of the informant. Accordingly, the FIR/arrest.

4. Learned counsel for the petitioner submits that there is no eyewitness to the occurrence, on suspicion, the police picked him up and made to confess the crime. Further,



the knife used in the alleged crime has not been recovered and in the confessional statement, it has been recorded that while moving from the place of occurrence to Delhi, he threw it in the river. The charge-sheet stands submitted and he is in custody since 26.09.2023 (para-13 of the petition). Though, he concedes that the petitioner has criminal antecedent and undertakes to diligently appear in the trial.

5. Learned APP, Mr. Bharat Bhushan opposes the prayer submitting that allegation has come against him and he has also made confession before the police.

6. Considering the submissions put forward by the parties as also the fact that though the petitioner has been named in the FIR and there is confessional also, as per the case diary which is on record, there is no eyewitness to the occurrence. The police, though after investigation, has submitted charge-sheet against the petitioner, considering the aforesaid fact as also that he remained in custody since 26.09.2023 and an undertaking has been given that he will be appearing diligently in the trial, this Court is inclined to extend him the 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



Additional District & Sessions Judge-XVI, 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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