

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73324 of 2023

Arising Out of PS. Case No.-47 Year-2022 Thana- BIHARIGANJ District- Madhepura

RAHUL KUMAR @ RAHUL MANDAL S/O LATE SUDHIR MANDAL
VILLAGE- KAMALA KUND, PS. BIHARIGANJ, DIST. MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Singh

For the Opposite Party/s : Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 03-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Bihariganj P.S. Case No. 47 of 2022 registered for the offences punishable under Sections 302, 120(B), 34 of the Indian Penal Code and 27 of Arms Act.

As per prosecution case, the informant's husband was shot dead by unknown miscreants while he was going to see his newly constructed house.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. It is further submitted that FIR has been lodged against unknown persons and the name of the present petitioner has been surfaced



upon the confessional statement of co-accused Prahlad Mandal. Except confessional statement of aforesaid co-accused, there is nothing on record to connect the present petitioner with the alleged occurrence. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner is in custody since 10.07.2023. It is further submitted that charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. There is no eyewitness to the alleged occurrence and co-accused persons namely Sumit Kumar and Prahlad Mandal have already been granted bail by co-ordinate benches of this Court vide Cr. Misc No. 43485/2022 and Cr. Misc No. 56819/2022 respectively. The case of present petitioner stands on better footing keeping in view that his name has been transpired in this case on account of confessional statement of co-accused Prahlad Kumar. Petitioner bears criminal antecedent of one case in which he is on bail.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, co-accused persons have already been granted bail by co-ordinate benches of this court, argument advanced on behalf of both sides and also taking into consideration the



material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge-III, Madhepura in connection with Bihariganj P.S. Case No. 47 of 2022 , subject to the following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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