

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80579 of 2023

Arising Out of PS. Case No.-136 Year-2023 Thana- BARARI District- Katihar

Deepak Kumar Mandal, Son Of Anil Mandal Resident Of Village- Tali
Bhatta, Barari, Po- Guru Bazar, Ps- Barari, Dist- Katihar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. M. N. Parbat- Sr. Advocate
		Mr. Praveen Prabhakar
For the Opposite Party/s :		Mr. Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 20-02-2024 1. Heard learned senior counsel for the petitioner and learned APP for the State.
2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 302, 120B and 34 of the I.P.C. and Sections 25(1-b)a, 26 and 27 of the Arms Act.
3. The learned senior counsel for the petitioner submits that the petitioner has antecedent of two cases and has been falsely implicated in the present case. It is next submitted that petitioner is not named in the F.I.R. and the informant alleges that Rakesh Kumar along with one unknown person came and fired at her husband, who was



sitting near a grocery shop. It is next submitted that her husband fled inside the grocery shop, when the unknown person, who was with Rakesh caught him and brought him outside and on instigation of other accused persons, Rakesh Kumar fired leading to death of her husband.

4. The learned senior counsel for the petitioner thus submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that allegation of firing is against Rakesh Kumar and the informant is an eye witness to the occurrence and has not alleged that anyone apart from Rakesh Kumar fired at her husband. It is also submitted that petitioner came to be implicated based on secret information as recorded in Para-82 of the case diary, which is the easiest way to implicate someone. It is further submitted that once the petitioner was implicated based on secret information, thereafter in the case diary at Para-157, the confessional statement of Rakesh Kumar is recorded, who stated that he along with the petitioner killed the deceased and the petitioner also fired two rounds, but then, it is submitted that since informant is an eye witness to the



occurrence and she does not allege that anyone else apart from Rakesh fired, which amply demonstrates that since petitioner was implicated based on secret information, as such, the police got him implicated through Rakesh in his confessional statement. It is next submitted that petitioner will not abscond rather will cooperate in the investigation.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-III, Katihar in connection with Barari P. S. Case No.136 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that in the event, if



any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioner, despite giving assurance to this Court, is not cooperating in the investigation, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

(Satyavrat Verma, J)

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