

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12592 of 2025

Arising Out of PS. Case No.-393 Year-2023 Thana- KAHALGAON District- Bhagalpur

Shrawan Kumar @ Shrawan Kumar Mandal Son of Late Ram Mandal
Resident of Village- Simro, P.S.- Sabour, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 16920 of 2025

Arising Out of PS. Case No.-393 Year-2023 Thana- KAHALGAON District- Bhagalpur

Shrawan Kumar S/o Fakir Yadav R/o Village- Bakiya Ranichak Barari, P.S.-
Barari, District - Katihar at present C.I.T. Bricks Ghogha, P.S.- Ghogha,
District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 12592 of 2025)

For the Petitioner/s : Mr. Purushottam Kumar Das, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 16920 of 2025)

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

5 16-05-2025

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for
grant of regular bail in connection with Sessions Trial no.718 of
2023 (Kahalgaon (Ghogha) P.S. Case no.393 of 2023) registered
under sections 302, 201 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states



that he received information that his younger brother who used to work as a khalasi had been murdered.

4. Learned counsel for the petitioner Shrawan Kumar Mandal in Cr. Misc. no.12592 of 2025 submits that the petitioner has been falsely implicated in the case. He is in custody since 5.4.2023 and undertakes to cooperate in the trial. It is submitted that except for raising an unsubstantiated suspicion, there is no material against this petitioner and even the three witnesses who have been examined on behalf of the prosecution have not named this petitioner.

5. Learned counsel for the petitioner Shrawan Kumar in Cr. Misc. no.16920 of 2025 submits that the case of this petitioner is similar to that of Shrawan Kumar Mandal as noted herein above. This petitioner also is in custody since 5.4.2023 and undertakes to cooperate in the trial.

6. The applications for bail are opposed by learned A.P.P. for the State who submits that the name of the petitioners have transpired in the confessional statement of a co-accused.

7. Having heard learned counsel for the parties and taking into consideration the submissions made, the contents of the deposition of the three prosecution witnesses examined in course of trial wherein all of them have stated that they have not



seen the occurrence and specially the petitioners having remained in custody for more than two years since 5.4.2023, the Court directs both the petitioners, above named, to be enlarged on bail in connection with Sessions Trial no.718 of 2023 (Kahalgaon (Ghogha) P.S. Case no.393 of 2023) on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge X, Bhagalpur on the following conditions:

(i) one of the bailors of the respective petitioners shall be a close relative of the petitioner.

(ii) the petitioners shall remain physically present in Court on each date of the trial and shall cooperate in the trial.

In case either of the petitioner's absence on any date for reasons not to the satisfaction of the learned trial court or in case the learned Court below is of the opinion that the trial is being delayed due to non cooperation on part of the petitioner(s), the learned trial court may cancel the bail bond of the petitioner(s) and take them/him into custody till conclusion of the trial.

(Partha Sarthy, J)

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