

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20417 of 2025

Arising Out of PS. Case No.-107 Year-2024 Thana- GWALPARA District- Madhepura

Shivan Mandal @ Siban Mandal @ Subhan Mandal @ Suman Mandal Son of
Yogendra Mandal Resident of village- Shyam, P.S.- Gwalpara, District-
Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Satyendra Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 23-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Gwalpara P.S. Case No. 107 of 2024, registered for the offences under Sections 302, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the son of the informant was shot dead while he has been going to his milk dairy on his motorcycle. The miscreants also took away the mobile phone of the deceased. The name of the petitioner transpired during investigation for being involved in the murder of the son of the informant.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The name of the petitioner transpired in this case on the basis of confessional statement of co-accused



Manjit Kumar who has been granted bail by a co-ordinate Bench of this Court vide order dated 19.02.2025 in Cr. Misc. No. 83370 of 2024. He has been granted bail along with co-accused Lakshman Kumar. There is no tangible material against the petitioner to connect him with the offence as alleged. Petitioner is having antecedent of six cases and he is on bail in three cases and in other three cases his prayer for bail is pending for consideration. Learned counsel also submits that nothing incriminating has been recovered from person or possession of this petitioner. The petitioner is in custody since 25.10.2024 and charge sheet has been submitted.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that the name of the petitioner transpired during investigation for being involved along with other co-accused persons in murder of the son of the informant.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the lack of substantive material to connect the petitioner with offences as alleged and also considering submission of charge sheet and period of custody, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount



each to the satisfaction of learned J.M.F.C., Udakishunganj, Madhepura/concerned court, in connection with Gwalpara P.S. Case No. 107 of 2024, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

7. However, it is made clear that if recovery of any incriminating article has been shown from the petitioner, his bail bond will not be accepted.

(Arun Kumar Jha, J)

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