

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42597 of 2025

Arising Out of PS. Case No.-396 Year-2022 Thana- SABAUR District- Bhagalpur

Mithun Mandal S/o Late Sushil Mandal @ Snil Mandal R/o Village- Chhoti Sardho, P.S.- Sabour, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah, Advocate

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-07-2025 Heard Mr.Rajendra Prasad Sah, learned counsel for the petitioner and Mr.Anuj Kumar Shrivastava, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 18.07.2024 in connection with S.T.No.878/2024 (arising out of Sabour P.S. Case No. 396 of 2022) F.I.R. dated 27.09.2022 registered for the offence punishable under Sections 396/412 of IPC.

3. According to prosecution case, some unknown miscreants have killed the husband of the informant and also looted his valuable along with his Toto tempo and his dead body was thrown in orchard.

4. Learned counsel appearing for the petitioner



submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused person, namely, Shatrughan Paswan @ Satto Paswan and nothing has been recovered from conscious possession or the house of the petitioner rather the recovery has been made from possession of other co-accused person and till date no TIP has been conducted by the prosecution and co-accused persons, namely, Ashish Kumar and Vijay Mandal have been granted bail by this Court vide orders dated 31.07.2023 and 01.08.2023 passed in Cr. Misc. Nos.33018 of 2023 and 38358 of 2023 respectively and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 18.07.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, petitioner has clean antecedent, the name of the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused person, namely,



Shatrughan Paswan @ Satto Paswan and other co-accused persons, namely, Ashish Kumar and Vijay Mandal have been granted bail by this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-XIX, Bhagalpur in connection with S.T.No.878/2024 (arising out of Sabour P.S. Case No. 396 of 2022), with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

U		T	
---	--	---	--

