

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69579 of 2024

Arising Out of PS. Case No.-242 Year-2021 Thana- KHAIRA District- Jamui

Pir Baba @ Prabhakar Mandal, Son of Jagdeo Mandal R/o- Sono Mandal,
P.S.- Sono, Distt.- Jamui.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Mokhtar Ansari, Advocate

For the Opposite Party/s : Ms.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 31-01-2025 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the

State.

2. The accused/petitioner is named in F.I.R. and
apprehending his arrest in connection with Khaira P.S. Case
No. 242 of 2021, registered for the offences punishable under
Sections 364, 302, 201, 120(b)/34 of the Indian Penal Code.

3. The allegation against the petitioner is to commit
murder of brother of the informant.

4. Learned counsel appearing on behalf of the
petitioner submitted that the informant is not the eye witness
of the occurrence and moreover, the present F.I.R. has been
lodged after one month of the occurrence without having any
explanation of delay. It has further been submitted that the



present F.I.R. is the improved version and afterthought for the reason that father of the deceased also lodged F.I.R. for the occurrence of 01.07.2021 i.e., Tisari P.S. Case No. 66/21 where no suspicion even raised against the petitioner. While concluding the argument, it is submitted that the petitioner is a man of clean antecedent.

5. Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded the fact that the present F.I.R. has been lodged after one month of the occurrence.

6. Considering the facts and circumstances as mentioned above and considering the contradictory versions of the F.I.R., where informant is not the eye witness of the occurrence, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Jamui/concerned Court, where the case is pending in connection with Khaira P.S. Case



No. 242 of 2021, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C./482(2) of the BNSS, with
further conditions that:-

“(i)Accused/Petitioner shall
cooperate in the trial and if it appears
that the petitioner is dealing
intentionally the trial, the State shall
be at liberty to press for cancellation
of his bail bond befroe the learned
trial court itself.

(ii) Petitioner/accused shall
be physically present on each and
every date before the Trial Court till
conclusion of the trial and exemption
from physical appearance be allowed
by the Trial Court, only on medical
ground of the petitioner duly
supported by the documents.”

(Chandra Shekhar Jha, J)

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