

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3958 of 2025

Arising Out of PS. Case No.-68 Year-2021 Thana- BASANHI District- Saharsa

Bhanu Mandal @ Bhanu Kumar Mandal S/o- Late Baso Mandal @ Basho
Mandal Village- Dotara W.No-13, Ps- Basanahi Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Yogesh Chandra Verma, Sr. Advocate Mr.Anant Kumar, Advocate
For the Opposite Party/s	:	Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 15-05-2025 Heard Mr. Yogesh Chandra Verma learned Senior

Counsel for the petitioner and learned Additional Public

Prosecutor for the State.

2. The petitioner seeks regular bail in connection
with Basnahi P.S. Case No. 68/2021, S.T. No. 276/2023
registered for the offences under Sections 302 and 120(B)/
34 of the Indian Penal Code and Section 27 of the Arms
Act.

3. Earlier the prayer for bail of the petitioner was
rejected twice by a Co-ordinate Bench of this Court vide
orders dated 03.05.2023 and 26.04.2024 respectively.

4. The prosecution case in nutshell is that the FIR



named accused persons including the petitioner armed with weapons came to the door of the informant and started assaulting her husband. It was further alleged that the petitioner fired upon the head of the informant's husband due to which he sustained gun-shot injury and subsequently died.

5. Learned Senior Counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to previous enmity. Learned Senior counsel has pointed out to the order dated 26.04.2024 passed by a Co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 23009/2024 wherein this Court had granted liberty to the petitioner to renew his prayer for bail, if the trial is not concluded within a period of six months. Learned Senior Counsel further submits that from perusal of the deposition of the prosecution witnesses annexed as Annexure '4 series' it appears that PW-3 has not supported the case and in Paragraph '1' of her deposition she has specifically taken names of Vilas Chaurasiya, Radhe Shyam Chaurasiya, Boocho Mandal and Sanjay Mandal to have seen them running away from the place of occurrence,



however, she has stated that she cannot say as to what was written in the application which was given during the lodging of the FIR. Learned Senior Counsel has further submitted that fourth prosecution witness was examined on 01.02.2024 and thereafter no prosecution witnesses have been examined despite the fact that more than one year and three months have passed and even the status report called from the learned court below shows that out of 11 prosecution witnesses only four have been examined. It is lastly submitted that the petitioner has three criminal antecedents in which he is on bail and is languishing in custody since 19.07.2022.

6. Learned counsel for the State has opposed the prayer for bail of the petitioner and submits that the petitioner has three criminal antecedents and therefore, he does not deserve the privilege of regular bail in this case.

7. Considering the aforesaid facts and circumstances of the case and taking into account the fact that despite the passage of more than one year and three months, no prosecution witness has been examined before the learned Trial Court and the petitioner is languishing in



custody since 19.07.2022, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. District Sessions Judge-IIIrd, Saharsa in connection with Basnahi P.S. Case No. 68/2021, S.T. No. 276/2023 subject to the conditions ;=

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. In case of absence on two 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.
- d. 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
afore-mentioned order shall not be delayed
for purpose of or in the name of
verification.

e. If the petitioner is found in any manner to
influence/ coerce the witnesses of the
prosecution, the learned Court below shall
initiate steps to cancel the bail of the
petitioner.

(Sourendra Pandey, J)

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