IN THE COURT OF ADDL. SESSIONS JUDGE -V
Civil Court, Munger
Sessions Trial No. 96 of 2018
[Arising out of Naya Ramnagar (Safiasarai) P.S. Case No. 252/2017]

State Vrs. Pawan Mandal & Ors.

Date of Order.	Order with the signature of the Court	fice tion ken
08.06.2020	A bail petition filed on 06.06.2020 on behalf of custody accused Pawan Mandal through E-mail, who is in judicial custody since 21.02.2018 in connection with Naya Ramnagar (Safiasarai) P.S. Case No. 252/2017 for the offence u/s 302/201/120(B) of the Indian Penal Code has been pressed today for hearing through Whatsapp Video Calling. Ld. Defence Counsel submitted that the petitioner is innocent, he has committed no offence and that he has been falsely implicated in this case. That previously a bail application on behalf of the petitioner has been moved which has been rejected by the Ld. A.D.J.-IV Court, Munger and thereafter petitioner moved a bail application in Hon'ble High Court, Patna which has also been rejected in Cr. Misc. No. 32997/19. Ld. Defence Counsel further submitted that in this case charge has been framed and almost all the witnesses has been examined but they did not support the prosecution case. That the petitioner is in jail custody since 21.02.2018 and at the time of alleged occurrence, he was in judicial custody. That absolutely there is no material against the petitioner to connect him with the alleged offence. That almost all the accused persons have been granted bail by the Hon'ble High Court, Patna. Hence, bail application	

Contd. 08-06-2020	should be allowed. Ld. A.P.P. vehemently opposed the bail application. I have heard the rival submissions of both the parties and perused the case record as well as bail application. It appears from the perusal of the record that this case has been lodged on the basis of written application of informant Sanjeev Kumar alleging therein that on dated 13.11.2017 at about 8:00 a.m., he and his brother Amit Kumar was walking near Gauri Tola Shiv Mandir, at that time his villager Sonu Kumar @ Sanni Yadav and Saurav Kumar @ Bhauma Yadav told his brother Amit to take Rs. Two Lakh given as borrow money to Sanni. Informant's brother Amit Kumar has gone with them on the Aapchi Motorcycle and not returned to home after that. On dated 15.11.2017 informant came to know that a dead body was lying near Heru Diyara Bridge. Informant reached that place and found that that was the dead body of his brother Amit Kumar. In the course of investigation I.O. has found involvement of petitioner-accused Pawan Mandal in this case and submitted charge sheet u/s 302/201/120(B) of the Indian Penal Code against him as well as other accused persons. Charge has also been framed in the same Sections. From perusal of case record, it further transpires that evidence of some witnesses has been recorded whereas some witnesses has remained to be examined. It appear through perusal of Para-151 of case diary that petitioner has long criminal antecedent and his involvement are showing in total eighteen cases of grievous offences. Bail petition of this petitioner-accused has also been rejected by Hon'ble High Court, Patna vide Cr.

Contd. 08-06-2020	Misc. No. 32997/2019 mentioning that the petitioner has a very long criminal history. Considering the serious nature of allegation made against the petitioner-accused and his long criminal history, I am not inclined to enlarge the petitioner-accused on bail. Consequently, the bail petition is devoid of merit, hence, **rejected**. Dictated Raghunath Narain **Addl. Sessions Judge-V,** **Munger** **08-06-2020**	