

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54655 of 2017

Arising Out of PS.Case No. -480 Year- 2017 Thana -KAHALGAON District- BHAGALPUR

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Butan Mandal, Son of Wakil Mandal, Resident of Village- Shahpur, P.S.
Ghogha (Kahalgaon), District- Bhagalpur.

.... Petitioner.

Versus

The State of Bihar.

.... Opposite Party.

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Appearance :

For the Petitioner : Mr.
For the State : Mr.
For the Informant : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

2 17-11-2017 Let the Vakalatnama filed on behalf of the informant be
kept on the record.

Heard.

The petitioner apprehends his arrest in connection with
Kahalgaon P.S. Case No.480 of 2017 registered under Sections
364, 302, 120(B) and 201/34 of the Indian Penal Code.

The accusation is that on 04.09.2017 at about 09.00 P.M.,
Kumar Tapan, the son of the informant Bhrigunandan Mandal,
aged about 15 years, was accompanied by Kapildeo Mandal, his
wife and daughter Nitu Kumari alongwith three unknown on the
pretext to see the fair but his son did not return in the night. On the
next morning, when the informant went to the house of Kapildeo



Mandal and asked him about his son, he did not give any reply. Thereafter, the informant went to the police station to lodge the case but he was removed from there by the Officer Incharge saying him to lodge the case regarding the missing of his son and if the dead body of his son is found, to inform him on phone. In course of investigation, the statement of one Pujari Mandal was recorded, who disclosed that Kapildeo Mandal had asked him about carrying Kumar Tapan, the son of the informant, and had also asked him about the love affair in between the son of the informant and his daughter Nitu Kumari. Kapildeo Mandal had also asked to Butan Mandal (petitioner) to be ready. After sometime, when Kapildeo Mandal came with gunny bag, keeping the dead body of Kumar Tapan, the son of the informant, he informed to the petitioner and threw the dead body in the canal.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. In course of investigation, the name of the petitioner has come in the confessional statement of the co-accused Pujari Mandal. Further submission is that if the confessional statement of the co-accused Pujari Mandal is taken to be true, in that case, only Section 201 of the Indian Penal Code would be attracted, which is bailbale in nature. The petitioner has no criminal antecedent.



Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhagalpur, in connection with Kahalgaon P.S. Case No.480 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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