

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36795 of 2017

Arising Out of PS.Case No. -84 Year- 2001 Thana -SHERGHATI District- GAYA

=====

1. Mohan Mandal @ Mohan Manjhi
2. Durga Mandal
Both Sons of Kail Mandal. Both Resident of Village-Baheri P.S. Sherghari
District Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ramashish

For the Opposite Party/s : Mr. Umesh Lal Verma

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 20-09-2017 Heard learned counsel for the petitioners and

learned APP for the State.

Petitioners are languishing in judicial custody
since 17.04.2017 in connection with Sherghati P.S. Case No.
84/2001 for offences punishable under Sections 302, 201/34
of the Indian Penal Code.

The prosecution case, as lodged by the informant,
is that his son (deceased) was married to the daughter of Kail
Mandal but she died three years back leaving behind a
handicapped daughter. Thereafter his son used to live in his
sasural and was having a love affair with his sister-in-
law(sali), which was objected by in-laws of the deceased and



they had fixed the marriage of the Sali of the deceased with someone else. It is alleged that the petitioners along with co-accused Kail Mandal have killed his son and disposed off the dead body, which on search was found near the bank of river.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case. He submits that it is only on the basis of confessional statement of co-accused Kail Mandal and Mungia Devi that they have been made accused and there is no eye-witness to the alleged occurrence. It is further submitted that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioners.

However, learned APP for the State opposes the prayer for bail stating therein that the confession has been made against the petitioners by their own father and mother and the dead body was also recovered as per their disclosure.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioners at this stage in connection with Sherghati P.S. Case No. 84 of 2001, pending in the court of



learned Sub-Divisional Judicial Magistrate, Sherghati, Gaya.

Application is, accordingly, rejected.

(Nilu Agrawal, J)

Rajesh/-

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

