

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5931 of 2017

Arising Out of PS.Case No. -94 Year- 2016 Thana -PARBATTa District- BHAGALPUR

- =====
1. Lakhan Lal Mandal Son of Jagdeo Mandal
2. Rekha Devi Wife of Lakhan Lal Mandal Both are residents of village Ragopur, Police Station Parbatta, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar
For the Opposite Party/s : Mr. Sri Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 16-03-2017 Heard learned counsel for the petitioner and the State.

The petitioners seek bail in connection with Parbatta P.S. case no. 94 of 2016, registered under Sections 302, 201, 120B/34 of the Indian Penal Code.

The minor son of the informant was allegedly kidnapped and done to death by four accused persons including the present petitioners. While he was playing, it is alleged, that the accused persons captivated him and in the following morning his dead body was found in a ditch near the Railway track.

Learned counsel for the petitioners submits that it is case based on circumstantial evidence. The prosecution has alleged motive which may hold good in the case of male members



including the petitioner no.1 but would not be applicable in so far as the petitioner no.2 is concerned. She is a lady and deserves bail.

Learned counsel for the State, on the other hand, submits that it is a serious offence. The minor son of the informant was killed for the reason that there was land dispute between the parties.

Considering the facts and circumstances of the case, I am persuaded to direct release of the petitioner no.2, namely, Rekha Devi on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Naugachhia , Dist. Bhagalpur in connection with Parbatta P.S. case no. 94 of 2016, subject to the condition that one of the bailors shall be the own/close family member of the petitioner.

So far as the petitioner no.1, namely, Lakhan Lal Mandal is concerned, his prayer for bail is rejected. He shall, however, granted liberty to renew prayer for bail, if the trial of the case is not taken up and adequate progress recorded thereat within 08 months from the date of receipt/communication of a copy of this order.

(Kishore Kumar Mandal, J)

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