

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33643 of 2018

Arising Out of PS.Case No. -79 Year- 2017 Thana -TEDHAGACHH

District- KISANGANJ

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Binod Mandal @ Binod Kumar Mandal @ Binda, Son of Late
Naudal Kharra, Kuari, Kishanganj Matari, P.S.- Kishanganj,
District- Kishanganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Adv.

For the Opposite Party/s : Ms. Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 20-07-2018 The petitioner seeks bail in anticipation of his arrest in connection with Terhagaachh P.S. Case No. 79 of 2017, dated 06.10.2017, instituted for the offences under Sections 302 and 201/34 of the Indian Penal Code.

The petitioner is not named in the F.I.R. The informant of this case is the father of the deceased, who has alleged that on 03.10.2017 at about 8:00 P.M., his co-villager/Mangla Sah had come to his house and had taken his son (Poswa Mandal/deceased) along with him. When the son of the informant did not return till late in the night,



a search was made. After three days, the dead-body of the son of the informant was found lying near the bank of *Goriya* river. During the investigation, the informant, in his further statement, has taken the name of the petitioner also. However, the story narrated in the further statement is substantially different from what was stated in the F.I.R.

The order impugned merely reflects that the petition for bail has been rejected because the name of the petitioner was taken by the informant in his further statement. The court below has not at all gone into the contents of such statement and the further chain of investigation, in order to bring home charges of murder against the petitioner. A laconic order has been passed without discussing, even in brief, any detail or material which has been collected against the petitioner. This is not the manner in which a bail petition is required to be disposed of. It reflects complete lack of judicial sense in disposing of an important application like bail and that also in a case of murder.

Be that as it may, since this Court gets no clue from the order impugned, the case is sent back to the Court of learned Sessions Judge, Kishanganj for him to give a hearing and write a fresh order after incorporating evidence collected against the petitioner.



The aforesaid order shall be passed within a period of four weeks from the date of receipt/production of a copy of the present order.

It is made clear that this Court has expressed no opinion on the merits of the case.

Till such time, no coercive steps shall be taken against the petitioner above named in connection with Terhagaachh P.S. Case No. 79 of 2017.

The petition is disposed of with the aforesaid direction.

(Ashutosh Kumar, J)

Praveen-II/-

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