

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32810 of 2018

Arising Out of PS.Case No. -14 Year- 2018 Thana -BISFI (PATAUNA)
District- MADHUBANI

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1. Rebi Mandal @ Ravi Mandal, S/o Mahesh Mandal,
2. Rekha Devi @ Rekh Devi, W/o Mahesh Mandal,
Both residents of Vill.- Nahas Rupauli, P.S.- Bisfi, District-
Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar, Adv.

For the Opposite Party/s : Mr. Umeshnand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 20-07-2018 The petitioners seek bail in anticipation of their arrest in connection with Bisfi (Patauna) P.S. Case No. 14 of 2018, dated 22.01.2018, which was initially instituted for the offences under Sections 365 and 364/34 of the Indian Penal Code, but later, Section 302 of the Indian Penal Code was added.

From the perusal of the F.I.R., it appears that the implication of the petitioners in this case is only on the basis of suspicion. The cause of occurrence is stated to be



two-fold. The first reason which has been assigned in the F.I.R. is that the deceased had some dispute with one Mahesh Mandal for Rs. 500/-, who is the father of petitioner No. 1. There is another dispute which has been noted down in the F.I.R. with other persons of the village with respect to a pond, over which the deceased also wanted to have his *Patta* declared.

In any view of the matter, there is no eye-witness to the occurrence. After two days of the lodging of the F.I.R., the dead-body of the deceased was found near the house of the informant only.

Two of the other co-accused persons, viz. Mahesh Mandal, who is the father of petitioner No. 1, and Prabhu Yadav have been granted bail by this Court.

There is practically no allegation against petitioner N. 2/Rekha Devi @ Rekh Devi, who is the wife of aforesaid Mahesh Mandal.

After some arguments, Mr. Raj Kumar, learned Advocate for the petitioners seeks permission to withdraw the application of petitioner No. 1/Rebi Mandal @ Ravi Mandal in order to enable him to surrender before the court below and seek bail.

Permission is accorded.

Should such an application be filed before the



court below on behalf of petitioner No. 1, the same shall be considered on its own merits, without being prejudiced by the fact that his present anticipatory bail petition has not been entertained by this Court.

This petition with respect to petitioner No. 1/Rebi Mandal @ Ravi Mandal is, accordingly, dismissed as withdrawn with the aforesaid liberty.

So far as petitioner No. 2/Rekha Devi @ Rekh Devi is concerned, regard being had to her gender and insufficient material collected against her during the course of investigation, she is directed to be released on bail, in the event of her arrest or surrender before the learned court below within a period of four weeks from today, on her furnishing bail bond in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Benipatti, Madhubani in connection with Bisfi (Patauna) P.S. Case No. 14 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

Praveen-II/-

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