

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7864 of 2018

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

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Kapildeo Mandal, Son of Saryug Mandal, Resident of Village-Shahpur, P.S.
Ghogha (Kahalgaon), District Bhagalpu

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Rajive Ranjan Singh, Advocate Mr. Sunil Kumar Singh, Advocate
For the S t a t e	:	Mr. Ram Anurag Singh, APP
For the informant	:	Ms. Kusumlata Das, Advocate Mr. Anup Kumar Pandey, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 05-03-2018 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State. Learned

counsel for the Informant is also present.

The petitioner is in custody since 07.10.2017 in
connection with Kahalgaon (Shiv Narayanpur) P.S. Case
No.480 of 2017 (G.R. No.4440/17) registered for the offence
under Sections 364, 302, 120B, 201 and 34 of the Indian Penal
Code.

Learned counsel appearing on behalf of the
petitioner submits that the petitioner has been falsely
implicated in this case on the basis of the confessional
statement made before the police by one Pujari Mandal, which



has no evidentiary value. He further submits that Kapildeo Mandal was earlier made an accused in which the informant's cousin brother has been killed. During the course of investigation, another imaginary story has been built up by some villagers regarding some love affair between the son of the informant and the daughter of the present petitioner. He thus submits that it is highly unlikely that in the given history of circumstances between the parties, the petitioner's daughter would be involved in any love affair with the son of the informant, who had since disappeared and was found dead.

Learned counsel appearing for the informant submits that in the case diary the story of love affair has been found true and that the petitioner with a view to take wreak vengeance, hatched a conspiracy with the said Pujari Mandal and thereafter, after murder of the boy, the body was thrown into the Ganga. It is further submitted that the body was also recovered on the basis of the confessional statement made by said Pujari Mandal, who has clearly stated that the petitioner was one of the conspirators.

Learned counsel appearing on behalf of the State, after perusal of the case diary, submits that save and except the confessional statement made before the police, there is no



further material in the diary. The story of love affair as made out has also not been established.

In view of the aforementioned facts and circumstances and also because the petitioner's wife, Sumitra Devi, who has since been granted bail by this Court in Cr.Misc. No.63281 of 2017, vide order dated 21.02.2018, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur, District-Bhagalpur, in connection with Kahalgaon (Shiv Narayanpur) P.S. Case No.480 of 2017 (G.R. No.4440/17), subject to the following conditions:

(1) One of the bailors will be the father of the petitioner.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.



(4)The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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