

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37086 of 2018

Arising Out of PS.Case No. -239 Year- 2017 Thana -KHARIK District- BHAGALPUR

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1. Bishnu Kant Bishwashi @ Pran Mohan Mandal @ Umesh Mandal, S/o Late Surya Narayan Mandal,
2. Chhotu Mandal,
3. Nil Kamal @ Nil Kamal Kumar
4. Mithun Kumar Mandal All Sons of Bishnu Kant Bishwashi @ Pran Mohan Mandal @ Umesh Mandal, All R/o Vill.- Raghapur, P.S.- Parbatta, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shally Kumari, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 24-07-2018 Heard learned counsel for the petitioners as well as the State.

The petitioners apprehend their arrest in Kharik P. S. Case No. 239/2017, instituted for the offence punishable under Sections 328 and 302/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that there is land dispute between the parties. The deceased himself had taken poison. The wife of the deceased has stated in her statement before the police during investigation that her husband himself had taken poison (Thymate) on account of land dispute,



which has been mentioned in paragraph 16 of the case diary.

Learned Additional P.P. after verifying the case diary has stated that the wife has given similar statement in para 16 of the case diary.

In the impugned order, it has been mentioned that the doctor has kept the opinion reserved and stated that this is a case of suspected poison.

Considering the facts and circumstances of the case, the prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Kharik P.S. Case No. 239/2017, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, Navgachiya, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if



petitioners tamper with the evidence or the witnesses of the case,
in that case, prosecution will be at liberty to move for cancellation
of bail of the petitioners.

(Sanjay Priya, J.)

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