

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55691 of 2018

Arising Out of PS. Case No.-30 Year-2010 Thana- CHANAN District- Lakhisarai

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1. Sagar Mandal, Son of Chhotan Mandal,
 2. Bhagirath Mandal, Son of Chhotan Mandal.
 3. Sakhichand Mandal @ Chhatis Kumar, Son of Chhotan Mandal.
 4. Chhotan Mandal @ Chhotana Mandal, Son of late Kesho Mandal. All are resident of Village- Nongadh, P.S. Halsi, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Sinha
		Mr. Rabi Bhushan
		Mrs. Rakhi Kumari
For the Opposite Party/s :		Mr. Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 18-12-2018 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners apprehend their arrest in connection with Chanan P.S. Case no. 30 of 2010 registered under Sections 364/120(B) of the Indian Penal Code.

Petitioner Bhagirath Mandal along with Shambhu Mandal and Shobhan Mandal @ Sohan Mandal are said to have taken the husband of the informant and kidnapped him for murder and subsequently committed his murder and dumped his dead body in the river. Petitioner nos. 1, 3 and 4 are suspected to have conspired in the occurrence.



It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners Sagar Mandal, Bhagirath Mandal and Sakhichand Mandal happen to be own brother of the husband of the informant, namely, Gopal Mandal while the petitioner no. 4 Chhotan Mandal is the father, and brothers and father cannot be presumed to kidnap and eliminate the deceased. It is further submitted that petitioner Sagar Mandal, Sakhichand Mandal and Chhotan Mandal are not said to have taken the deceased rather there is suspicion of their complicity in the occurrence by hatching conspiracy. Petitioners were not declared absconder and no process has been issued against the petitioners and police finally submitted charge-sheet two months back. Petitioners had no knowledge of lodging of the case earlier.

Per contra, learned APP and learned counsel for the informant submitted that the petitioners had sought relief of the anticipatory bail after eight years of the occurrence which rules out any apprehension of arrest of the petitioners. It is also submitted that police has submitted charge-sheet showing the petitioners absconder and as per the prosecution case and witnesses account, the petitioner Bhagirath Mandal along with two other accused persons had taken the deceased while



petitioner nos. 1, 3 and 4 have committed murder of the deceased by hatching conspiracy with other accused persons and moreover Shambhu Mandal has been enlarged on regular bail by a co-ordinate Bench of this Court.

In the facts and circumstances of the case, as the petitioner no. 2 Bhagirath Mandal is said to have taken the deceased with him and he was last seen with the deceased, I am not inclined to enlarge him on anticipatory bail. Accordingly, his prayer is rejected.

However, as the petitioner nos. 1, 3 and 4 were not seen with the deceased rather there is suspicion of their participation in the occurrence hatching conspiracy, they are directed to be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Lakhisarai in connection with Chanan P.S. Case no. 30 of 2010, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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