

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79250 of 2019

Arising Out of PS. Case No.-273 Year-2019 Thana- PATAHI District- East Champaran

1. GAJENDRA MANDAL Son of Late Kapil Mandal, Resident of Village - Patahi, P.S.- Patahi, District - East Champaran
2. Abhimanyu Mandal @ Abhimanyu Kumar Son of Gajendra Mandal, Resident of Village - Patahi, P.S.- Patahi, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Adv.

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 04-06-2020 Heard both sides through Video Conferencing.

Petitioners seek bail in Patahi P.S. Case No.273 of 2019 registered under Sections 363 and 365 of the IPC and later on converted under Sections 302, 120B, 201, 379 and 34 of the IPC and under Sections 3(i)(r) and 3(2)(v) of the SC/ST Act.

The informant (widow of deceased) alleged that her husband did not return home from the school and somebody kidnapped him.

Learned counsel for the petitioners submits that the case was registered against unknown but during course of investigation the police raided the motor garage of Awanish Mandal (son of the petitioner) and recovered some blood stained



articles. Awanish Mandal confessed his guilt and disclosed that he along with Santosh killed Ram Narayan Baitha as on account of Ram Narayan Baitha, he was not appointed in the school. It is further submitted that petitioner no.1 is the father of Awanish Mandal and that is why he has been made accused. Even in the confessional statement of Awanish Mandal nothing has been whispered against the petitioners. There is no evidence to show that the petitioners even conspired to kill Ram Narayan Baitha. Therefore, the petitioners deserve bail.

Learned A.P.P. submits that petitioner no.1 is the father of Awanish Mandal and he was also present on the place of occurrence.

Perused the F.I.R. and the case diary. The petitioners are not named in the F.I.R. The police raided the motor garage of Awanish Mandal and recorded his confession in para 25 of the case-diary. Awanish Mandal disclosed that when Ram Narayan Baitha was sitting in his motor garage, he and Santosh inflicted rod blow on his head and consequently Ram Narayan Baitha died. Vivek was watching from outside the shop. Even in the confessional statement, Awanish Mandal did not assign any role of his father in killing of Ram Narayan Baitha.

Having considered the facts aforesaid, the petitioners



named above are directed to be released on bail on furnishing
bail bonds of Rs.10,000/-(rupees ten thousand) each with two
sureties of like amount each to the satisfaction of learned
A.C.J.M. 8, East Champaran at Motihari in connection with
Patahi P.S. Case No.273 of 2019.

(Prabhat Kumar Jha, J)

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