

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27320 of 2021

Arising Out of PS. Case No.-192 Year-2020 Thana- BIRPUR District- Supaul

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1. Budhsen Mandal S/o Late Mahavir Mandal Resident of Village- Sitapur, P.S.- Birpur, District- Supaul.
 2. Dilip Mandal S/o Budhsen Mandal Resident of Village- Sitapur, P.S.- Birpur, District- Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivek Kumar, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-11-2021 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with
Birpur (Balua Bazar) P.S. Case No. 192 of 2020 instituted for
the offences under Sections 302, 201 and 120(B)/34 of the
Indian Penal Code.

Learned counsel for the petitioners submits that the
petitioner no. 1 is in custody since 02.09.2020 and petitioner no.
2 is in custody since 21.09.2020, charge-sheet has been
submitted in the case and the petitioners are persons with clean
antecedent.

Learned counsel for the petitioners submits that the



informant in the F.I.R. has alleged that on 01.09.2020, the informant received an information that his son Anand Kumar has been killed, whereupon he reached at the place of occurrence and saw the dead body of his son. On inquiry, the informant came to know that his son had gone with co-accused Dilip Mandal, Santosh Mukhiya and Chhotu Gupta to the house of Neeraj Mandal and Mukesh Kumar who are brothers-in-law of co-accused Dilip Mandal and all accused persons committed murder of the son of the informant.

Learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that name of the petitioners has come on the suspicion of the informant and he is not the eye-witness of the occurrence and has not disclosed the source of information i.e. from where he got information that his son was accompanied by the accused persons mentioned in the F.I.R. and at best, it is case of last seen of the deceased. Further, that post-mortem report also shows no injury on the person of the deceased and the doctor has reserved the opinion as the viscera was sent for chemical examination.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioners.

Considering the fact that the petitioners are in custody



since 02.09.2020 and 21.09.2020 respectively, charge-sheet has been submitted in the case and the petitioners are persons with clean antecedent, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-Birpur at Supaul in connection with Balua Bazar P.S. Case No. 192 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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