

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 25426 of 2020**

Arising Out of PS Case No.-22 Year-2020 Thana- ALAMNAGAR District- Madhepura

Pinku Mandal @ Pinku Kumar, aged about 45 years, Gender-Male, Son of
Late Naresh Mandal, Resident of Village- Shankarpur Madhauri Diyara, Ward
No. 11, P.S.- Alamnagar, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate

For the State : Mr. Bharat Bhushan, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 15-01-2021

Heard Mr. Shailendra Kumar Singh, learned counsel for
the petitioner and Mr. Bharat Bhushan, learned Additional Public
Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with
Alamnagar PS Case No. 22 of 2020 dated 16.01.2020, instituted
under Sections 302/201/120 (B) of the Indian Penal Code.



3. The petitioner is alleged to have requested the deceased to take his sister-in-law (sister of the wife) to her matrimonial home from his village and the deceased did not return and upon search, his body was found.

4. Learned counsel for the petitioner submitted that he has no role in the said incident as he had only asked the deceased, who had a motorcycle, to go and reach his sister-in-law to her matrimonial home. It was submitted that during investigation it has come that since the sister-in-law of the petitioner used to keep leaving the matrimonial home, her father-in-law and husband were looking for her and when on the way they found the deceased coming with her, they had assaulted him. It was submitted that the same makes it clear that the anger of the father-in-law and husband of the girl was taken out on the deceased and the petitioner has no role in the crime. Learned counsel submitted that the petitioner has no criminal antecedent. It was further submitted that father-in-law and husband of the girl, who are said to have assaulted the deceased, namely Madan Mandal and Amit Kumar @ Amit Mandal have been granted anticipatory bail by a co-ordinate Bench on 05.11.2020 in Cr. Misc. No. 26589 of 2020 and co-accused Bambam Mandal @ Bambam Kumar, Amar Mandal, Sunil Mandal and Pawan Mandal have also been granted



anticipatory bail by a co-ordinate Bench on 06.01.2021 in Cr. Misc. No. 22274 of 2020.

5. Learned APP, from the case diary, submitted that the petitioner had asked the deceased to take the girl and, thus, he cannot be said to be innocent. However, he did not controvert that during investigation it has come that the father-in-law and husband of the girl has assaulted the deceased.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Uda-Kishunganj, Madhepura in Alamnagar PS Case No.22 of 2020, subject of the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973. Further, (i) that one of the bailors shall be a close relative of the petitioner, and (ii) that the petitioner shall cooperate in the case, both with the police/investigation and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.



7. Learned APP shall return the copy of the case diary to the Superintendent of Police, Madhepura, who had sent it to him.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

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