

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14386 of 2022**

Arising Out of PS. Case No.-201 Year-2021 Thana- SABAUR District- Bhagalpur

Chhabilal Mandal @ Chabilal Mandal, aged about 25 years, Male, Son of
Bijay Mandal, Resident of Village-Chainchak Mamalkha, P.S. - Sabour,
District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 22592 of 2022

Arising Out of PS. Case No.-201 Year-2021 Thana- SABAUR District- Bhagalpur

Navin Mandal @ Navin Kumar, Male, aged about 23 years son of Biran
Mandal, resident of village- Chainchak, Police Station – Sabour, District –
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 14386 of 2022)

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Binod Kr. No.3, APP

(In CRIMINAL MISCELLANEOUS No. 22592 of 2022)

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

4 06-09-2022 Both the criminal miscellaneous petitions have arisen

out of same P.S. case, hence they are being decided together by

a common order.

The learned counsels for the petitioners are directed

to remove all the defects pointed out by the Stamp Reporter

within one month.

Heard learned counsels for the petitioners and the

learned APP for the State.

Petitioners seek regular bail in connection with



Sabour P.S. Case No. 201 of 2021 registered for the offences under Sections 363, 365 and 34 of the Indian Penal Code.

As per the allegation made in the FIR, the co-accused Vinod Mandal who happens to be a relative of the deceased made a phone call to the victim and called him at his house and thereafter the victim left his house and went to meet the said co-accused and thereafter he did not return back and after that the informant and his family members started searching for the victim.

The main submissions advanced by the learned counsel Mr. Rajive Ranjan Singh for the petitioner Chhabilal Mandal are that this petitioner is not named in the FIR, no motive on the part of this petitioner to commit the alleged occurrence has been mentioned in the FIR and he has been languishing in jail since 06.08.2021 having clean antecedent.

The main submissions advanced by the learned counsel Mr. Md. Najmul Hodda for the petitioner Navin Mandal are that against the petitioner only suspicion has been raised and he is also not named in the FIR and has been languishing in jail since 02.11.2021 having clean antecedent and there is no eye witness of the occurrence.

Learned APP Mr. Binod Kr. No.3 appearing for the



State has opposed the bail prayer.

Heard both the sides and perused the FIR and case diary of this case. During the course of investigation it came into light that co-accused Vinod Mandal wanted to marry the sister of his wife but he could not succeed and his wife's sister namely Kajal Kumari was married to the victim, owing to the said reason he had threatened the prosecution party to face dire consequences and thereafter he called the victim by making a phone call and then the victim left his house and thereafter did not return back and the informant suspected involvement of said co-accused and other accused persons in the disappearance of his brother. During the course of investigation two empty cartridges were recovered from the land of the co-accused Vinod Mandal and blood stained soil was also found on the said land and some stains were found near the bank of Ganga river and thereafter petitioner Chhabilal Mandal was arrested and he confessed about the crime and revealed that the informant's brother was murdered by inflicting fire-arm injuries to him and after the murder the body of the deceased and his motorcycle were thrown into the Ganga river and he also revealed that he and petitioner Navin Mandal remained involved in the murder of informant's brother. Considering the seriousness of the



allegation appearing against both the petitioners and incriminating materials found at the land of co-accused Vinod Mandal which are going in favour of the prosecution’s allegation, in the opinion of this Court both the petitioners do not deserve to the privilege of bail. Accordingly, their prayer for bail stands rejected.

(Shailendra Singh, J.)

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