

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30438 of 2021

Arising Out of PS. Case No.-33 Year-2020 Thana- FALKA District- Katihar

1. DARSHAN MANDAL @ DARSHAN KUMAR MANDAL Son of Mangan Mandal Resident of Village- Diara Chandpur, P.S.- Falka, District- Katihar.
2. Mithun Mandal @ Gharka Mandal Son of Mangan Mandal Resident of Village- Diara Chandpur, P.S.- Falka, District- Katihar.
3. Kailash Mandal Son of Mangan Mandal Resident of Village- Diara Chandpur, P.S.- Falka, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate
For the Opposite Party/s : Mrs. Renuka Ratnakar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-03-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners is directed to
remove the defect(s), as pointed out by the Office, within a
period of four weeks.

Learned counsel for the petitioners seeks permission
of the Court to withdraw the present application in respect of
petitioner nos. 1 and 3 as they have been taken into judicial
custody.

Permission is accorded.

The application is dismissed as withdrawn in respect



of petitioner nos. 1 and 3.

The petitioner no. 2 is apprehending his arrest in a case registered under Sections 302 and 120(B) of the Indian Penal Code.

The prosecution allegation, in short, is that the accused persons might have killed the son of informant as the deceased was in love affairs with one lady.

It has been submitted on behalf of the petitioner no. 2 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner no. 2. The petitioner no. 2 has falsely been implicated in the present case. It is alleged that the deceased was in love affairs with one Khusboo Devi. The body of the deceased was found hanging on a tree. The informant has raised suspicion against the accused persons for committing murder of the deceased. Except for suspicion, there is no other substantive evidence to suggest the implication of the petitioner no. 2 in this case. Regarding the death of the deceased, a U.D. case was instituted by the father of the deceased. There was no allegation made by the father of the deceased in respect of the petitioner no. 2 or any other accused persons. The present case has been instituted after 12 days of the institution of the U.D. case.



On behalf of the State, it is submitted that the petitioner no. 2 is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner no. 2, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- 1st Katihar in connection with Falka (Pothiya) P.S. Case No. 33/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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