

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23530 of 2022

Arising Out of PS. Case No.-458 Year-2021 Thana- BIHPUR District- Bhagalpur

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Goutam Mandal @ Gudiya, S/O Fulo Mandal Resident Of Village-
Dharampur, Ratti, (Jayrampur), P.S.- Bihpur, District- Bhagalpur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha

For the Opposite Party/s : Mr. Madhura Nand Jha

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-08-2022 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in anticipation of his arrest in a
case registered for the offences punishable under Sections 302, 201/
34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant alleges
that his daughter was married to Nandan Mandal about 15 years back
and out of the wedlock, five children were born. It is next alleged that
accused persons used to torture his daughter for dowry, hence his
daughter started staying with the informant i.e. her parental home. It
is further alleged that on 14.10.2021, the informant along with his
family members excluding the victim (deceased) had gone to see
Durga Puja Festival and on 15.10.2021, when they returned, the
deceased was not at the house and her dead body was found in a



banana field. Thus, alleges that the accused persons killed her daughter though her husband at the time of occurrence was not present.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is next submitted that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that informant initially had raised suspicion against the family members of the husband of the deceased, but during the course of investigation, one Bambam Yadav was arrested, who in his confessional statement had disclosed the name of this petitioner as also having participated in the crime. The learned counsel thus submits that petitioner was not named in the F.I.R. and his name transpired in the confessional statement of Bambam Yadav, which has no evidentiary value. It is also submitted that it absolutely does not stand to reason that a person with clean antecedent would commit such an occurrence of murder. It is also submitted that there are no eye witnesses to the occurrence.

The learned Additional Public Prosecutor opposes the anticipatory bail application and submits that though initially suspicion was raised against the family members of the husband of the deceased, but then during the course of investigation, it transpired that it was Bambam Yadav, who had committed the occurrence and it is in his confessional statement that the name of this petitioner transpired, as such, a suspicion for the present is against the



petitioner..

Considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the petitioner is a man of clean antecedent, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bihpur P. S. Case No.458 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C. with a condition that the present anticipatory bail order is subject to the condition that in the event, if after investigation, charge-sheet is submitted against the petitioner, then the present order shall lose its effect.

The application stands allowed.

(Satyavrat Verma, J)

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