

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30434 of 2021

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

1. DARSHAN KR MANDAL S/o Mangan Mandal Resident of Village- Chandpur, Dira Chandpur, P.S.- Falka, District- Katihar.
2. Kailash Mandal S/o Mangan Mandal Resident of Village- Chandpur, Dira Chandpur, P.S.- Falka, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 37697 of 2021

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

MANOJ MANDAL S/O Mangan Mandal Resident of Village - Chandpur,
Dira Chandpur, P.S. - Falka, Dist. - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 45615 of 2021

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

DINESH MANDAL Son of Late Shri Mandal Resident of Village- Diara
Chandpur, P.S.- Falka (Pothiya), District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 30434 of 2021)

For the Petitioner/s : Mr.Dwij Raj

For the Opposite Party/s : Mr.Ataur Rahman

(In CRIMINAL MISCELLANEOUS No. 37697 of 2021)

For the Petitioner/s : Mr.Dwij Raj

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 45615 of 2021)

For the Petitioner/s : Mr.Ajit Kumar Singh



For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 24-02-2022 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State, in all the three cases.

The petitioners seeks regular bail in connection with Falka (Pothiya) Police Station Case No. 33 of 2020, registered for the offence punishable under Sections 302/120-B of the Indian Penal Code.

The prosecution case, as per the complaint -cum- First Information Report lodged by the mother of the deceased, Amarjeet Yadav, is that on 01.12.2019, her son got a call from co-accused Khusbu Devi, upon which he went to meet Khusbu Devi, who was having love affair with him and on 02.12.2019, the dead body of her son was found hanging on a tree in the mango orchard of one Chandan Yadav. The allegation is that the petitioners, along with other co-accused persons, killed the son of the informant, due to having illicit relationship with the wife of co-accused Mithun Mandal, namely, Khusbu Devi.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case merely on suspicion and except suspicion, there is no other material to connect the petitioners with the alleged offence. They further



submit that on 02.12.2019, after the recovery of the dead body of the deceased from the mango orchard, the husband of the informant has lodged a U. D. case and the post mortem examination of the deceased was done on 03.12.2019, wherein the doctor has not given any opinion regarding the cause of death. They further submit that no apparent ligature mark was found on the neck of the deceased. They further submit that as an afterthought, about ten days from the date of recovery of the dead body, and post-mortem, a complaint was lodged before the learned judicial Magistrate, 1st Class, Katihar, on 12.12.2019 and pursuant thereto, an order, under Section 156 (3) of the Code of Criminal Procedure, 1973 was passed by the Additional Chief Judicial Magistrate, Katihar and the First Information Report was registered on 02.02.2020. They further submit that the police, in course of investigation, did not verify the number of the mobile phone, from which the son of the informant received the call and was called on the fateful day allegedly by co-accused Khusbu Devi. They further submit that there is unreasonable delay in filing the complaint and the earlier version of the husband of the complainant/informant is with regard to unnatural death of the deceased.

On the other hand, learned Additional Public



Prosecutor and learned Counsel for the informant vehemently oppose the prayer for bail and submit that the deceased was having illicit relationship with the co-accused Khusbu Devi, due to which the son of the informant was killed by the accused persons. They further submit that the doctor, in the post mortem examination, has found superficial ligature mark on the neck.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that at the first instance, U.D. case was filed by the father of the deceased and after ten days of the occurrence, the mother of the deceased has filed a complaint, which was registered much thereafter on 02.02.2020, and there is no direct allegation against the petitioners and the present case may be, at best, a case of circumstantial evidence and the petitioners are in custody since 04.02.2021, 29.01.2021 and 05.04.2021 respectively and charge sheet has been submitted against them and, as such, there is no likelihood of the petitioners being abscond and/or tamper with the evidence, I am inclined to grant regular bail to the petitioners.

These applications are, accordingly, allowed.

Accordingly, let the petitioners, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/-



(twenty thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Katihar, in connection with Falka (Pothiya) Police Station Case No. 33 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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