

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48120 of 2021

Arising Out of PS. Case No.-207 Year-2018 Thana- AMARPUR District- Banka

1. Bhujangi Mandal S/O Late Chhedan Mandal R/O Village- Antichak, P.S.- Amarpur, District- Banka
2. Roshan Kumar Manjhi @ Raushan Kumar Manjhi S/o Birendra Manjhi R/o village- Antichak, P.S.- Amarpur, District- Banka
3. Amlesh Kumar S/o Munilal Mandal R/o village- Antichak, P.S.- Amarpur, District- Banka
4. Birju Mandal S/o Shulo Mandal @ Shuro Mandal R/o village- Antichak, P.S.- Amarpur, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukerjee, Advocate

For the Opposite Party/s : Mr. Upendra KumarAPP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 02-08-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered in connection with Amarpur P.S.Case No. 207 of 2018 for the offences punishable under Sections 302/34, 341, 323, 306/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 18.03.2018, the informant received information that his brother



Niranjan Kumar was assaulted by the petitioners and others and confined in village Antichak in the house of petitioner no. 1. and petitioner no. 2 to 4 was standing at the door. It is further alleged that the petitioners told him that since the younger brother of the informant had agreed to marry with the daughter of petitioner no. 1, he is safe, otherwise he would have been killed. It is further alleged that his marriage was solemnized in temple of Shitla Mata and after the marriage the informant along with his brother reached at village thereafter his brother has made complaint of abdominal pain and thereafter, the informant took him to the hospital and during the course of treatment, he died.

Learned counsel for the petitioners submits that there is no allegation of any overt act attributed against the petitioners rather general and omnibus allegation has been levelled that deceased was brutally assaulted by the petitioners but there is no eye witness to the alleged occurrence. It is further submitted that prosecution case is not corroborated by the post mortem report and no external injury over the body of the deceased was found rather doctor has opined that it is a case of suspected poisoning. It is also submitted that from the F.I.R, marriage was solemnized on 18.03.2018 and therefore, the girl and brother of



the informant had come to their own village and thereafter his condition started deteriorating and he admitted to the hospital, where in course of treatment, he died. It is also alleged that there is no reason or motive for the petitioners that just after solemnization of marriage of his daughter, they would killed her husband. It is lastly submitted that this petitioner is in custody since 07.06.2021, having clean antecedent.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that specific allegation has been levelled against all the petitioners that they have brutally assaulted the brother of the informant.

Having heard the rival contentions of the parties and taking into consideration the fact that the post mortem report does not suggest that the deceased was subjected to any assault and also the statement of the eye witnesses, who had stated that the girl and the boy were found in a compromising position and thereafter, all the villagers solemnized the marriage of both of them and thereafter, the girl was taken by the brother of the informant and on the next day, he came to know that the deceased committed suicide by consuming poison. In view of the aforesaid materials available on the record and also the period of custody, let the petitioners, above named, be released



on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka P.S.Case No. 207 of 2018 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

N.K/-

(Harish Kumar, J)

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