

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15322 of 2023

Arising Out of PS. Case No.-854 Year-2022 Thana- NATHNAGAR District- Bhagalpur

1. BUGGO MANDAL Son of Bramdev Mandal Resident of village - Sri Rampur, Police Station - Nathnagar, District - Bhagalpur.
2. Moti Mandal Son of Late Soni Mandal Resident of village - Sri Rampur, Police Station - Nathnagar, District - Bhagalpur.
3. Chhotu Mandal Son of Kailumandal Resident of village - Sri Rampur, Police Station - Nathnagar, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijnath Sah, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 20-07-2023 1. Learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail with respect to petitioner nos. 1 and 2.
2. Permission is accorded.
3. Accordingly, the prayer for anticipatory bail with respect to petitioner nos. 1 and 2 is dismissed as withdrawn.
4. Heard learned counsel for the petitioner no. 3 and learned A.P.P. for the State.
5. The petitioner no. 3 apprehends his arrest in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.
6. Learned counsel for the petitioner no. 3 submits



that petitioner no. 3 is a person with clean antecedent.

7. The informant alleges that in late night of 01.01.2022 the petitioner no. 3 along with others came and took his brother. Further, the informant came to know from the villagers that there was fight between his brother and the petitioner no. 3 along with co-accused. Further, in the morning, petitioner no. 3 on being questioned disclosed that his brother is fine and will come home by evening. It is further alleged that on 04.11.2022, the dead body of the brother of the informant was recovered.

8. Learned counsel for the petitioner no. 3 submits that petitioner no. 3 has been falsely implicated in the present case. It is further submitted that the informant is not an eyewitness to the occurrence and the entire allegation hinges around suspicion. It is next submitted that even FIR does not disclose the name of the villagers who disclosed to the informant that there was a fight between the deceased and the petitioner no. 3.

9. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner no. 3 and submits that from perusal of the allegation as alleged in the FIR, it would manifest that the deceased was last seen with the petitioner no. 3 by the



informant as he alleges that it was the petitioner no. 3 who had taken him from the house in the night of 01.01.2022 and thereafter he was never seen.

10. Learned counsel for the petitioner no. 3 rebuts the submission of the learned A.P.P. and submits that if the deceased had any fear from the petitioner no. 3 then he would not have accompanied him in the night. It is further submitted that the dead body was recovered on 04.11.2022 and thereafter the FIR came to be instituted when it is alleged that petitioner no. 3 along with other accused persons took his brother on 01.11.2022 which amply demonstrates that even the informant was not suspicious about the conduct of the petitioner no. 3 including the accused persons. It is next submitted that petitioner no. 3 will not abscond rather will cooperate in the investigation and will present himself as and when required by the investigating officer of the case for eliciting the truth.

11. Considering the submissions made by the learned counsel for the petitioner no. 3, the petitioner no. 3 above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Three Thousand) with two sureties of the



like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Nathnagar P.S. Case No. 854 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

12. However, it is made clear that if the investigating officer of the case files an application bringing to the notice of the learned court below that petitioner no. 3 despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself when required by the investigating officer, the learned court below shall be at liberty to cancel the bail bonds of the petitioner no. 3 after recording reasons.

13. Let a copy of this order be sent to the concerned police station through the learned court below.

(Satyavrat Verma, J)

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