

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22218 of 2023

Arising Out of PS. Case No.-455 Year-2020 Thana- AMARPUR District- Banka

Ganga Mandal, Son Of Late Khesari Mandal, Resident Of Village-
Sangrampur, Ps- Amarpur District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Amarpur P.S. Case No. 455 of 2020 registered for the alleged offences under Sections 120(B), 302 and 201/34 of the Indian Penal Code.

3. As per prosecution case, dead body of a lady was recovered whose head, legs and hands were severed. Later on the dead body was identified by one Kailash Prasad Rai who claimed it to be the dead body of his wife and he alleged that petitioner was having friendship with his wife and there was some money transaction between them and for this reason the petitioner might have killed his wife.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. Petitioner has no concern with the alleged occurrence and he has been implicated in this case only on the ground that he was having friendship with the deceased. There is no eye-witness to the alleged occurrence. The deceased and the petitioner were residents of different districts which was almost separated by 150 km and it is not believable that the deceased came alone at the residents of the petitioner. There is no material on record to show that the deceased has come at the house of the petitioner. Learned counsel further submits that even during investigation no material has come on record to connect the petitioner with the death of the wife of the informant. Petitioner is in custody since 21.10.2022 and charge-sheet has been submitted. The petitioner is having clean antecedent.

5. Learned APP opposes the prayer for bail submitting that in paragraph no. 27 of the case diary, witness has stated about involvement of this petitioner in the murder of the wife of the informant. However, learned APP concedes that apart from this no substantive material has come up on record against the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is distinct lack of material against the petitioner to



connect him with the offence as alleged and further considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka/court concern in connection with Amarpur P.S. Case No. 455 of 2020, subject to the condition mentioned in Section 437(3) of the Cr.P.C. and other the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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