

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23752 of 2023

Arising Out of PS. Case No.-8 Year-2022 Thana- BUDHUCHAK District- Bhagalpur

Ram Pravesh @ Ram Pravesh Mandal @ Premdhar Mandal Son Of Late Kant
Lal Mandal R/O Village- Gopalichak, P.S.- Pirpanti, District- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tarun Prasad Mandal, Advocate

For the Opposite Party/s : Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Budhuchak P.S. Case No. 08 of 2022 registered on 18.03.2022 for the alleged offences under Sections 302, 201 and 34 of the Indian Penal Code.

3. As per prosecution case, a headless body of a lady was recovered and later on, it was found to be the deadbody of co-accused Navin Mandal. It also transpired that petitioner was also involved in the murder of the wife of co-accused Navin Mandal.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. There is no tangible evidence against the petitioner to



connect him with the offence as alleged. The petitioner has got no concern with any of the accused of this case and the co-accused Navin Mandal took his name due to some previous dispute. There is no eye witness to the alleged occurrence. The report of the Forensic Medicine shows the skull which was examined was of a person aged more than fifty years, whereas as per the father of the deceased Sulekha Devi her age was only thirty years. So, the identification of this dead body is doubtful. This petitioner is in custody since 01.11.2022 and charge-sheet has been submitted. The petitioner has got no criminal history. A number of co-accused have been granted anticipatory as well as regular bail by Coordinate Benches of this Court vide orders dated 30.11.2022, 16.11.2022, 20.12.2022 and 12.04.2023 passed in Cr. Misc. Nos. 36641/2022, 4268/2022, 47861/2022 and 71276 of 2022, respectively.

5. Learned APP opposes the prayer for bail submitting that the name of the petitioner came up in the confessional statement of co-accused and he was an active participant in the murder of the wife of the co-accused.

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



further taking into consideration his period of custody and submission of charge-sheet against him, 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 Additional District Judge-XVI, Bhagalpur/court concerned in connection with Budhuchak P.S. Case No. 08 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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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