

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28960 of 2023

Arising Out of PS. Case No.-504 Year-2017 Thana- KAHALGAON District- Bhagalpur

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1. Mithun Mahaldar @ Mithun Kumar @ Nitin Kumar, S/o Bishnudeo Mahaldar
 2. Man Mohan Mandal @ Bhattho Mandal @ Bhattho @ Mohan Mandal S/o Late Yugal Mandal

Both are residents of village-Ekchari, P.S.-Kahalgaon (Rasulpur), District-Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha, Advocate
For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Kahalgaon (Rasulpur) P.S. Case No. 504 of 2017 registered for the alleged offences under Sections 302/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons were named by the informant for forcibly administering spurious liquor to the husband of the informant causing his death.



4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The co-accused Chhotelal Mahaldar has been granted anticipatory bail by a Coordinate Bench vide order dated 12.01.2021 passed in Cr. Misc. No. 25533 of 2020 and in the said order, it has been mentioned that FSL report shows on examination of viscera of the deceased, endosulfan, a poisonous substance, was found which caused his death. The learned counsel further submits that the husband of the informant was a drunkard and possibly died after consuming poisonous liquor. There is no eye witness to the occurrence and except for suspicion, there is nothing against the petitioners. Moreover, there is no motive for the petitioners to commit the occurrence as alleged by the informant. The learned counsel further submits that later on, the informant gave an application before the court of learned Chief Judicial Magistrate, Bhgalpur wherein she has stated that she does not know reading and writing and she only put her thumb impression on the written report which was not read over to her. All the accused persons named in the written report are innocent and they have been falsely implicated due to village politics. The learned counsel further submits that the case of the petitioners is exactly on similar footing with the co-



accused Chhotelal Mahaldar, who has been granted anticipatory bail by a Coordinate Bench.

5. Learned APP opposes the prayer for anticipatory bail submitting that the petitioners have been specifically named in the FIR for causing death of the husband of the informant by forcing him to consume spurious liquor.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vague nature of allegation against the petitioners with possibility of false implication, let the petitioners, above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Kahalgaon (Rasalpur) P.S. Case No. 504 of 2017, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below, if so



required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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