

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33096 of 2023

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

1. Ranjan Kumar @ Khushilal Pandit, Son of Balram Pandit, R/o Village - Ekchari, P.S.- Kahalgaon (Rasulpur), District - Bhagalpur
2. Surya Narayan Mandal, Son of Late Lakhan Mandal, R/o Village - Ekchari, P.S.- Kahalgaon (Rasulpur), District - Bhagalpur
3. Raju Mandal @ Rajendra Mandal, Son of Late Brahmdev Mandal, R/o Village - Ekchari, P.S.- Kahalgaon (Rasulpur), District - Bhagalpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners, in the present case, are seeking pre-arrest bail in connection with Kahalgaon (Rasulpur) P.S. Case No. 504 of 2017 registered for the offences punishable under Sections 302/34 of the Indian Penal Code. They have no criminal antecedent as stated in paragraph '3' of the application.

3. As per the prosecution story, the informant has alleged that her husband had gone to work in the school but he did not return home, thereafter she came to know that her husband has died due to snake bite. She further alleged that the accused persons had forcibly given him wine to drink and after



that he died.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Learned counsel submits that the husband of the deceased died due to consumption of poisonous liquor and the co-accused similarly situated has been granted privilege of anticipatory bail by this court in Cr. Misc. No. 25533/2020.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the facts and circumstances of the case, the nature of allegations, the fact that the husband of the deceased died due to consumption of poisonous liquor, the co-accused similarly situated has been granted privilege of anticipatory bail by this court in Cr. Misc. No. 25533/2020 and further submission that till date the process under Section 82 and 83 Cr.P.C. have not been exhausted, this Court directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Bhagalpur (Rasalpur) P.S. Case No. 504 of



2017, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that the learned court below shall accept the bail bod only if the process under Section 82 & 83 Cr.P.C. both have not been exhausted.

(Rajeev Ranjan Prasad, J)

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