

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59679 of 2022

Arising Out of PS. Case No.-392 Year-2019 Thana- FALKA District- Katihar

Rajesh Mandal, Son Of Devdhar Mandal @ Deodhar Mandal R/V-
Dhawanipur, Ward No. 2, P.O- Nagarpara, P.S- Bihupur, Dist- Bhagalpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar- Advocate

For the Opposite Party/s : Ms. Anita Kumari- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 24-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 302,
201, 323, 324, 379 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that his wife aged about 55 years had gone to see a fair,
but she did not return and on the next day, her dead body was
found lying by the side of the road. It is further alleged that on
seeing the condition of the dead body, it appeared that a scuffle
had taken place. It is next alleged that based on suspicion that
Rajesh Mandal his son in-law might have committed the
occurrence as he has while a week left his daughter and had



performed his second marriage.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that even suspicion has been raised against Rajesh Mandal, the son in-law of the informant when the present petitioner is not the son in-law of the petitioner rather bears the same name as that of his son in-law. It is next submitted that the name of the father of Rajesh Mandal (son in-law of the informant) is Batan Mandal whereas the present petitioner is Rajesh Mandal, son of Devdhar Mandal @ Deodhar Mandal. It is further submitted that during the course of investigation, the name of this petitioner did not transpire, but in the supervision report, his name finds mentioned that he was also present at the place of occurrence.

The learned counsel for the petitioner submits that the entire case hinges around suspicion and there is no eye witness to the occurrence, who has taken the name of this petitioner. It is next submitted that petitioner will not abscond rather will cooperate in the investigation and will present himself as and when required by the Investigating Officer for eliciting the truth.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned



counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Falka (Podhiya) P. S. Case No.392 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, it is made clear that in the event, if the Investigating Officer files an application before the learned trial Court bringing to its notice that petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself when called for, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

(Satyavrat Verma, J)

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