

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55482 of 2022

Arising Out of PS. Case No.-52 Year-2022 Thana- HATHAURI District- Samastipur

Rambharosh Mandal @ Guddu S/O Singheshwar Mandal Resident Of
Village- Boraj, P.S.- Hathauri, Distt-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 64655 of 2022

Arising Out of PS. Case No.-52 Year-2022 Thana- HATHAURI District- Samastipur

Babu Saheb Mandal Son Of Late Parmeshwar Mandal Resident Of Village-
Boraj Shivajee Nagar, P.S.- Hathauri, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 69960 of 2022

Arising Out of PS. Case No.-52 Year-2022 Thana- HATHAURI District- Samastipur

1. Alok Kumar @ Boby S/O- Babu Saheb Mandal Resident Of Village- Boraj
Shivajee Nagar, P.S.- Hathauri, District- Samastipur
2. Deepak Kumar Mandal @ Deepak Mandal S/O- Dilip Mandal Resident Of
Village- Boraj Shivajee Nagar, P.S.- Hathauri, District- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 55482 of 2022)

For the Petitioner/s : Mr.Vinay Kumar Mishra

For the Opposite Party/s : Mr.Raj Kishor Singh

(In CRIMINAL MISCELLANEOUS No. 64655 of 2022)

For the Petitioner/s : Mr.Anshu Dhar Sharma

For the Opposite Party/s : Mr. Akash Raj, Adv.

Mr. Rakesh Kr. Ranjan, Adv.

For the State : Mr.Brajendra Nath Pandey



(In CRIMINAL MISCELLANEOUS No. 69960 of 2022)
For the Petitioner/s : Mr. Anshu Dhar Sharma
For the Opposite Party/s : Mr. Akash Raj, Adv.
Mr. Rakesh Kr. Ranjan, Adv.
For the State : Mr. Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 22-03-2023 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners have filed the instant application
for grant of regular bail in a case registered for the
offences punishable under Sections 302, 201 and 34 of
the Indian Penal Code.

Allegation against the petitioners and others is
that they committed murder of the husband of the
informant due to previous enmity and concealed his
body.

Cr. Misc. No. 55482 of 2022

It is submitted by learned counsel for the
petitioner that the petitioner is innocent and he has
committed no offence. He has falsely been implicated in
the present case due to previous enmity. Both parties
are co-villagers. Petitioner is not named in F.I.R. and his



name sprang up on the basis of confessional statement of co-accused Nitish Kumar @ Pateliya. There is no eye witness of the alleged occurrence. Moreover, the petitioner is languishing in judicial custody since 19.07.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Cr. Misc. No. 64655 of 2022

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has committed no offence. He has falsely been implicated in the present case due to admitted land dispute and previous enmity. Neither there is any eye witness nor any specific allegation against the petitioner. His name sprang up in this case merely on the basis of suspicion. Moreover, petitioner has suo motto surrendered before the court on 01.07.2022 and since then he is languishing in judicial custody.

Cr. Misc. No. 69960 of 2022

It is submitted by learned counsel for the



petitioners that the petitioners are innocent and they have committed no offence. They have falsely been implicated in the present case due to land dispute and previous enmity. Neither there is any eye witness nor any specific allegation against the petitioners. It is a case of last seen. Their name sprang up in this case merely on the basis of suspicion. Moreover, petitioners have suo motto surrendered before the court on 29.06.2022 and since then he is languishing in judicial custody. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

It is further submitted that similarly situated co-accused person has been granted Bail vide order dated 02.02.2023, passed in Cr. Misc. No. 72153 of 2022 passed by this Court.

Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties



and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Hathauri P.S. Case No. 52 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate IV, Rosera, Samastipur/ concerned Court.

(Sunil Kumar Panwar, J)

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