

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18041 of 2024

Arising Out of PS. Case No.-419 Year-2023 Thana- SHAHKUND District- Bhagalpur

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AMIT KUMAR MANDAL SON OF PAPPU MANDAL RESIDENT OF
VILLAGE-BASUDEOPUR, P.S. - SHAHKUND, DISTRICT -
BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 26-06-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 302, 328 and 34 of the IPC in connection with
Shahkund P.S. Case No.419 of 2023.

3. The learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is a young boy
aged about 18 years and has been falsely implicated in the
instant case by the informant based on hearsay evidence. It is
next submitted that from perusal of the allegation as alleged in



the FIR, it would manifest that the informant alleges that she along with her family member were living at Delhi and her minor daughter aged about 14 years came from Delhi to the village and was staying with her grandmother, thereafter on 17.09.2023 at about 11:00 PM the elder brother-in-law of the informant informed her on mobile that her daughter was called by two girls to their house for 'Mehdi' ceremony where she was given sulphas tablet forcibly by the petitioner while the two girls were holding her, thereafter, she was brought to the hospital where she died during the course of treatment.

4. The learned counsel submits that what transpires from bare reading of the allegation as alleged in the FIR is that the elder brother-in-law of the informant on 17.09.2023 was aware that the daughter of the informant was forcibly poisoned by the accused persons including the petitioner, but then he did not make any endeavours to inform the police, rather instead of informing the police he called the informant at Delhi and when she came from Delhi her fardbeyan was recorded on 19.09.2023.

5. It is next submitted that the falsity of the allegation manifest from the fact that had the petitioner along with other accused persons were instrumental in forcibly poisoning the



daughter of the informant as alleged, in that event they would not have allowed her to come out of the house where she had gone to attend the 'Mehdi' ceremony. It is next submitted that the victim was under treatment for two days and thereafter she died. It is next submitted that the victim was deliberately sent by the informant from Delhi to her village as she was having an impression that the victim was in relation with someone and the victim after coming back to village in frustration consumed poison. It is submitted at the cost of repetition that had the elder brother-in-law of the informant seen the occurrence as alleged then definitely he would have informed the police first, but then the same was not done which cast an aspersion in the case of the prosecution.

6. The learned APP opposes the anticipatory bail application.

7. 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, Bhagalpur



in connection with Shahkund P.S. Case No.419 of 2023, subject
to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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