

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38081 of 2024

Arising Out of PS. Case No.-327 Year-2023 Thana- PALASI District- Araria

Rahul Kumar @ Rahul Kumar Mandal S/O Rajesh Kumar Mandal @ Naresh Mandal R/O Village- Chouri, P.S- Plasi, Distt.- Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nadimul Hasan

For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 11-07-2024 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is aged about 21 years old and is a student, as would manifest from the pleadings and certificate annexed in the supplementary affidavit, which has been filed on 10-07-2024.
4. It is further submitted that the informant alleges that his daughter was married to Prem Sundar Mandal and out of the wedlock, two children were born and his son-in-law



works outside for livelihood, further alleges that one Pramod Mandal had evil intention towards his daughter and always used to follow her, further on 1-11-2023, the informant received a telephonic message from a villager of his daughter that his daughter had been killed, thereafter, he reached the place of occurrence and saw the dead body of his daughter lying in a paddy field 40 meters away from her matrimonial home, with her neck and stomach badly and brutally stabbed, accordingly based on suspicion, the FIR was instituted against Pramod Mandal.

5. Learned counsel next submits that petitioner is not named in the FIR and is a student. It is also submitted that the name of the petitioner transpired in the confessional statement of Pramod Mandal in police custody, which does not have any evidentiary value. It is further submitted that from perusal of allegation as alleged in the FIR, it would manifest that the deceased was brutally assaulted leading to her death. It is next submitted that a person with clean antecedent, aged about 21 years, would not have indulged in such a gruesome and a brutal occurrence, when the thrust of the allegation is against Pramod Mandal and petitioner is not directly related with Pramod Mandal in any manner. It is further submitted that in the event if



the petitioner is sent to judicial custody based on confessional statement of apprehended accused, in that event, chances are bright that petitioner may come in contact with hardened criminals and his entire future prospect may get jeopardised. It is also submitted that petitioner will not abscond rather will cooperate in the investigation.

6. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant oppose the prayer for anticipatory bail of the petitioner but then are not in a position to rebut the submission of the learned counsel for the petitioner that petitioner is not named in the FIR and his named transpired in the confessional statement of Pramod and petitioner is a young boy aged about 21 years.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Plasi P.S. Case No. 327 of 2023 subject to the conditions as laid down under



Section 438 (2) of the Cr.P.C.

8. One of the bailors of the petitioner shall be his father, Rajesh Kumar Mandal @ Naresh Mandal.

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

10. Let a copy of this order be sent to concerned police Station through learned trial court.

11. The learned counsel for the petitioner showed the office copy of the supplementary affidavit filed on behalf of the petitioner wherein it is recorded that petitioner is a student along with a certificate.

12. The office is directed to attach the copy of supplementary affidavit in the instant case.

(Satyavrat Verma, J)

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