

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37180 of 2024

Arising Out of PS. Case No.-289 Year-2023 Thana- PIPRA District- Supaul

1. BIJAY KUMAR @ MAHADEV MANDAL SON OF LAL BAHADUR MANDAL RESIDENT OF VILLAGE - KATAIYA MAHE, POLICE STATION - PIPRA, DISTRICT - SUPAUL
2. PRAKASH KUMAR SON OF LATE SURATLAL MANDAL RESIDENT OF VILLAGE - RAJPUR, BELA, TOL, POLICE STATION - PIPRA, DISTRICT - SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Arun, Advocate
For the State	:	Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 28-06-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with S.T. No. 53 of 2024 arising out of Pipra P.S. Case No. 289 of 2023, registered for the offence punishable under Sections 302, 201 and 34 of the Indian Penal Code.

3. As per prosecution case, the deceased (husband of the informant) was of unsound mind and generally used to create ugly scene in the family. It is further stated that on the alleged date and time of occurrence, while the informant came back after watching mela at 10 PM in the night, she learnt that these petitioners took her husband (deceased) by scorio vehicle to hand over to excise police. It is further stated that when these



petitioners returned back in late night, they told her that they have handed over the deceased to excise police. It is alleged that next day in the evening, a rumor spread in the village that dead body of the informant's husband is lying in a Mango orchard and his neck has been cut. The informant has raised suspicion against these petitioners and driver of the scorpio vehicle.

4. It is submitted by learned counsel appearing on behalf of the petitioner that informant is not an eye-witness of the alleged occurrence and only suspicion has been raised against these petitioners. As a matter of fact, Petitioner No. 1 is son-in-law and Petitioner No. 2 is son of the informant. It is further submitted that during trial, informant was examined as P.W. 1 and in her deposition she has denied her earlier version and stated that the police took her thumb impression on a blank paper and at the instance of the co-villagers, she falsely implicated these petitioners. Petitioners are in custody since 14.09.2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the rival submissions, period of custody and statement of the informant, the prayer for bail of petitioners is allowed.



7. Accordingly, let the above named petitioners be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. District & Sessions Judge-III, Supaul, in connection with S.T. No. 53 of 2024 arising out of Pipra P.S. Case No. 289 of 2023.

(Prabhat Kumar Singh, J)

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