

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37404 of 2024

Arising Out of PS. Case No.-419 Year-2023 Thana- BAHERI District- Darbhanga

Umesh Mandal @ Mahesh Mandal Son of Nageshwar Mandal R/O Vill.-
Bligaon, P.S.- Baheri, Dist.- Darbhanga

... .. petitioners/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 23869 of 2024

Arising Out of PS. Case No.-419 Year-2023 Thana- BAHERI District- Darbhanga

Satyendra Mandal @ Satyendra Kumar Bharti S/o Shatrudhan Mandal R/o
vill - Bligaon, P.S. - Baheri, Distt. - Darbhanga

... .. petitioners/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 36715 of 2024

Arising Out of PS. Case No.-419 Year-2023 Thana- BAHERI District- Darbhanga

Kishori Sharma @ Kishore Sharma son of Suresh Sharma Resident of
Village- Mahuli, Ward No. 3, P.S.- Baheri, Dist.- Darbhanga

... .. petitioners/s

Versus



The State of Bihar

... .. Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 37404 of 2024)
For the petitioners/s : Mr. Akash Kumar Mishra, Adv.
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP
(In CRIMINAL MISCELLANEOUS No. 23869 of 2024)
For the petitioners/s : Mr. Akash Kumar Mishra, Adv.
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP
(In CRIMINAL MISCELLANEOUS No. 36715 of 2024)
For the petitioners/s : Mr. Vinay Kumar Mishra, Adv.
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 29-07-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for bail in a case
instituted for the offence under Sections 302/34 of the Indian Penal
Code, registered in connection with Baheri P.S. Case No. 419 of
2023.

3. As per prosecution case, the informant saw Kishori
Sharma (petitioner) and Ram Kumar Yadav on one motorcycle
along with his brother (deceased). On another motorcycle,
Satyendra Mandal and Umesh Mandal @ Mahesh Mandal
(petitioners) were going towards Baligaon. The informant's
brother was not returned till evening thereafter the informant's
mother and wife of deceased started searching him. It is further
alleged that on next day, the informant found the dead body of his
brother and also saw the bamboo of 4 feet with blood stains and he



saw injury and blood oozing out from his mouth and nose. The informant expressed the accused persons accompanied the deceased by motorcycle had killed him.

4. It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case. They have committed no offence. None had seen the occurrence and they have been implicated only on the basis of suspicion. He further submitted that except confessional statement of co-accused Ram Kumar Yadav, nothing has come against these petitioners to show their complicity. Petitioners are person of clean antecedent and they are in judicial custody for about seven months.

5. Learned APP for the State has opposed the application for bail and submitted that petitioners are named in the FIR. He submitted that these petitioners were seen with the deceased on a motorcycle. The dead body of the deceased has found and during investigation, co-accused Ram Kumar Yadav has confessed his guilt and stated that he inflicted knife blow on the person of the deceased and these petitioners have also assaulted with fists and legs which has come in para-7 of the case diary. The co-accused also described in which manner the alleged murder has been committed. As per Postmortem report, it appears that three injuries were found on the person of the deceased, which corroborates the prosecution case. During investigation several



witnesses have also supported the prosecution case.

6. Having heard the learned counsel for the parties and considering the seriousness of the case, this court is not inclined to enlarge the petitioners on bail and, as such, their prayer for bail stands **rejected**.

(Nawneet Kumar Pandey, J)

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