

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45737 of 2024**

Arising Out of PS. Case No.-37 Year-2024 Thana- Bhawanipur District- Bhagalpur

1. Sanjay Mandal @ Sanjay Kumar Mandal S/o Kailash Mandal R/o Village-Mandal Tola Navtoliya Nagarpara, P.S.-Bhawanipur, District-Bhagalpur
2. Pankaj Mandal S/o Bhothar Mandal R/o Village-Mandal Tola Navtoliya Nagarpara, P.S.-Bhawanipur, District-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Ved Prakash Chandan, Advocate
For the State	:	Mr. Binod Kumar, APP
For the Informant	:	Mr. Sunil Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-08-2024 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 302, 120B and 34 of the Indian Penal Code.

3. As per prosecution case, informant suspects that all the F.I.R. named accused persons, including these petitioners, killed her husband.

4. It is submitted by learned counsel appearing on behalf of the petitioners that from bare perusal of the F.I.R. it is apparent that informant is not an eye witness of the occurrence. It is further submitted that informant has not even disclosed in the F.I.R. as to how she came to know the names of all the



persons who committed murder of her husband. Moreover, during investigation, none of the witnesses have claimed to have seen the occurrence. Except suspicion there is no material on record to show the complicity of these petitioners in the alleged occurrence. As a matter of fact, Petitioner No. 1 is past polio hected person and Petitioner No. 2 is brain subarachnoid haemorrhage age effected person. Petitioners claim clean antecedents.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of the informant have vehemently opposed the prayer for grant of anticipatory bail to the petitioners and submitted that these are named in the F.I.R. and they, along with other accused persons, committed murder of husband of informant.

6. Considering the aforesaid facts and circumstances, materials available on record and clean antecedents of the petitioners, the prayer for grant of anticipatory bail to the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioners be enlarged 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 A.C.J.M., Naugachia,
in connection with Bhawanipur P.S. Case No. 37 of 2024,
subject to condition as laid down under Section 438(2) of the
Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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