

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59843 of 2024

Arising Out of PS. Case No.-73 Year-2024 Thana- ASARGANJ District- Munger

1.

Mochhu Mandal @ Mahendra Mandal S/o Late Raghu Mandal Resident of Vikram, P.S- Asarganj, District Munger
2.

Dilip Mandal @ Dilip Kumar S/o Mochhu Mandal @ Mahendra Mandal Resident of Vikram, P.S- Asarganj, District Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anurag Saurav, Advocate
For the State	:	Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 25-09-2024 Heard Mr. Anurag Saurav, learned counsel for the petitioner and learned APP for the State.

2. The petitioners are in custody in connection with Asarganj P.S. Case No. 73 of 2024 for the offence punishable under sections 302 and 392 of the Indian Penal Code lodged on 04.05.2024 by the informant, Rupesh Kumar.

3. As per the prosecution story, the informant alleged that his mother used to reside at the permanent residence while informant his brother residing in Deoghar and Bhagalpur respectively. On 01.05.2024 he had spoken to his mother but on 02.05.2024 despite repeated call there was no answer, the neighbour was requested and they informed that lady has been



murdered, accordingly since the ornaments on her body was missing. Accordingly, the F.I.R.

4. Subsequently during the investigation, it came to notice that the petitioner no.1 who used to provide milk to the lady regularly was also having of the lock used in the house along with his son and son-in-law have a role to play where after the two petitioners who are father and son respectively were picked up and are in custody since 18.05.2024 (paragraph no.28 of the petition).

5. Learned counsel for the petitioners submits that so far as the petitioner no.1 is concerned, he is an aged person was serving milk to the lady since decades and it is unbelievable that he will execute the job. He submits that he do not have criminal antecedent.

6. Learned APP on the other hand opposed the prayer and submits that a bare perusal of the case diary would show that the hand and legs of the lady was tied, it was the work of the persons who serve in the tent house. Admittedly, as per the case diary, Rahul Mandal (accused) and Dilip Mandal (petitioner no.2) works with the tent house for years.

7. Considering the aforesaid facts so far as the Dilip Mandal @ Dilip Kumar is concerned his bail application stands



rejected.

8. So far as the petitioner no.1, Mochu Mandal @ Mahendra Mandal is concerned, since the main allegation has come against Rahul Mandal and Dilip Mandal who worked for the tent house and robbery/killing has been the reason, considering his age and period of custody as also the fact that he do not have criminal antecedent, this Court is inclined to extend him the privilege of bail.

9. Let the petitioner no.1, Mochu Mandal @ Mahendra Mandal be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Munger, in connection with Asarganj P.S. Case No. 73 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner no.1, Mochu Mandal @ Mahendra Mandal who shall provide official document to show his/her bona fide;

(ii) the petitioner no.1, Mochu Mandal @ Mahendra Mandal shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the



Trial Court itself;

(iii) the petitioner no.1, Mochu Mandal @ Mahendra Mandal shall appear before the concerned police station every months for one year to mark his attendance;

(iv) the petitioner no.1, Mochu Mandal @ Mahendra Mandal shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner no.1, Mochu Mandal @ Mahendra Mandal shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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