

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62934 of 2024

Arising Out of PS. Case No.-143 Year-2024 Thana- BAHERA District- Darbhanga

Ajit Mandal @ Ajit Kumar Mandal Son of Sanjay Mandal Resident of
Village- Nawada, P.S. Bahera, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Adv.

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-11-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Bahera P.S. Case No. 143 of 2024 registered
for the offence punishable under Sections 302, 376 and 34 of the
Indian Penal Code.

3. Based upon the fardebayan, the prosecution alleges
that on 20.04.2024 at around 04:45 PM, the informant got an
information that near Nawada Bhagwati Mandir in the field of
Subhash Chandra Jha dead body of one unknown old lady is
lying. Upon this information, the informant rushed to the place
of occurrence and found the dead body of an old lady having
injuries over it. The persons assembled there disclosed that the
lady was mentally ill and she was living in the campus of

Nawada Bhagwati Mandir and was maintaining herself by begging.

4. Learned Advocate for the petitioner contended that the FIR has been instituted against unknown persons. However, only On the basis of CCTV footage, the name of the petitioner has been implicated in this case. The CCTV footage does not disclose the complicity of the petitioner, but it only appears that the dead body of the deceased was brought from one place to another, by the petitioner. It is further contended that the shop of one Amarnath Jha @ Suman Ji Jha is in the temple premises and the petitioner is working as a labour in the sweet shop and only on suspicion his name has been implicated. It is next contended that had the petitioner been actually committed this crime, he would have certainly fled away from the place of occurrence, but the apprehension of the petitioner at the place of occurrence suggests his innocence. There is no eye witness to the alleged occurrence and only on suspicion, the petitioner has been made accused.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the CCTV footage clearly suggests that it is the petitioner who had taken away the deceased from the temple premises and

thereafter, the lady was found dead. It is also alleged that there are other materials collected during the course of investigation which also transpired that the deceased was subjected to rape before causing death; the complicity of the petitioner cannot be ruled out.

6. Regard being had to the submissions made on behalf of the parties and considering materials collected during the course of investigation, this Court is not acceded to the prayer of the petitioner for grant of bail. Accordingly, the prayer for bail of the petitioner stands rejected.

7. However, the petitioner shall be at liberty to renew his prayer for bail after framing of the charge.

(Harish Kumar, J.)

Jyoti Kumari/-

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