

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 15393 of 2025

Arising Out of PS. Case No.-213 Year-2024 Thana- GWALPARA District- Madhepura

Saurav Mandal @ Saurav Kumar Son of Dinesh Mandal R/o - Parshi,
Jhitkiya, Ward No.01, P.S - Gwalpara, (Ara), District - Madhepura
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 16858 of 2025

Arising Out of PS. Case No.-213 Year-2024 Thana- GWALPARA District- Madhepura

Dinesh Mandal S/O Late Kishan Mandal R/O Vill.- Parsi Jhikatiya, ward no.-
01, P.S- Gwalpara now (Arar), Dist.- Madhepura
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 17147 of 2025

Arising Out of PS. Case No.-213 Year-2024 Thana- GWALPARA District- Madhepura

Parmanand Mandal @ Pramod Mandal @ Parmanand S/o- Mohan Mandal
Resident of village- Dafra, W. No-9, PS- Gwalpara,Vishanpur Arar District-
Madhepura
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 17941 of 2025

Arising Out of PS. Case No.-213 Year-2024 Thana- GWALPARA District- Madhepura

Santosh Kumar @ Santosh Kumar Yadav S/O Abrendra Yadav @ Amrendra
Yadav Resident of Village- Paharpur, P.S.- Patarghat, District- Saharsa.
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 15393 of 2025)

For the Petitioner/s : Dr. Sanjay Kumar Singh, Adv
For the Informant : Mr. Pawan Kumar, Adv
For the State : Md. Mushtaque Alam

(In CRIMINAL MISCELLANEOUS No. 16858 of 2025)

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv
Mr. Amarnath Jha, Adv
For the Informant : Mr. Pawan Kumar, Adv
For the State : Mr. Shailendra Kumar Singh, APP



(In CRIMINAL MISCELLANEOUS No. 17147 of 2025)

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Adv
Mr. Santosh Kumar Singh, Adv

For the Informant : Mr. Pawan Kumar, Adv

For the State : Mr. Shailendra Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 17941 of 2025)

For the Petitioner/s : Mr. Premchandra Yadav, Adv

For the Informant : Mr. Pawan Kumar, Adv

For the State : Mr. Rajendra Prasad Nath, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 24-06-2025 All these applications are arising from the same P.S

Case i.e. Gwalpara P.S. Case No. 213 of 2024, hence, they are

being heard together and are being decided by a common order.

2. Heard learned Counsels for the respective parties.

3. The petitioners seek regular bail in a case registered
for the offences punishable under Sections 103(1) and 61(2) of
the B.N.S.

4. As per the prosecution case, on 17.10.2024 the
informant's son Amarnath Mandal went to Madhepura to drop
his sister. When he did not return home till night, the informant
called his son Amarnath Mandal and he informed that he was
with Santosh Yadav (petitioner). On 18.10.2024, the informant
received a call from the village chowkidar who informed that
his son Amarnath Mandal has been murdered. The informant
raised a suspicion that the petitioners, namely, Santosh Kumar
Yadav, Dinesh Mandal and Saurav Mandal along with some
unknown persons have murdered his son.



5. Submission on behalf of petitioner namely Saurav

Mandal.

Learned counsel for the petitioner has submitted that though the petitioner is named in the FIR, however, barring suspicion there is nothing alleged against him. It is further submitted that there is general and omnibus allegation against the petitioner and no incriminating article has been recovered from his possession. It is next submitted that admittedly there is no eye witness to the occurrence and the police has also submitted the charge sheet against the petitioner and others. It is also submitted that the case is based on circumstantial evidence and the allegation alleged against the petitioner is not corroborated by the inquest report and the post-mortem report. It is lastly submitted that the petitioner has clean antecedent and is in custody since 20.10.2024.

6. Submission on behalf of petitioner namely Dinesh

Mandal.

Learned Senior Counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is next submitted that there is no eye witness to the occurrence. Learned Senior Counsel has also submitted that barring the confessional statement of the co-



accused persons including the petitioner there is nothing on record to connect the petitioner with the said case. It is further submitted that injuries referred in the post-mortem report does not corroborate the evidence of the witnesses of assault by the accused persons. It is lastly submitted that the petitioner has clean antecedent and is in custody since 26.10.2024.

7. Submission on behalf of petitioner namely Santosh Mandal.

Learned Counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case and there is no incriminating evidence to connect the petitioner with the alleged crime. Learned counsel has further submitted that during the course of investigation certain witnesses have whispered that there was certain dispute between Amarnath Mandal and the co-accused Abhilasha Devi (wife of the deceased). It is further disclosed that Abhilasha Devi along with her brother and father may have conspired together and have killed the informant's son. Learned counsel has thus summarized that barring the confessional statement and suspicion raised by the informant there is nothing against the petitioner to connect him with the present incident. It is lastly submitted that the petitioner has clean antecedent and is in



custody since 20.10.2024.

8. Submission on behalf of petitioner namely Parmanand Mandal.

Learned Counsel for the petitioner has submitted that the petitioner is not named in the FIR and his name has surfaced on the confessional statement of the Santosh Kumar (petitioner). It is further submitted that no incriminating article has been recovered from the possession of the petitioner and the FIR has been lodged on 19.10.2024 while the alleged occurrence is stated to have taken place on 17.10.2024 and thus it was on afterthought that the name of the petitioners was inserted merely on suspicion. It is next submitted that even during the course of investigation, none of the witnesses have stated about the participation of the petitioner in the alleged crime. It is lastly submitted that the petitioner has clean antecedent and is in custody since 26.10.2024.

9. Learned counsel for the informant and learned APP for the State have vehemently opposed the prayer for bail. The learned counsel for the informant has stated that from perusal of paragraph nos. 9, 10 and 11 of the case diary, it would suffice that the witnesses have stated about the involvement of all the petitioners in the said incident. It has further been submitted that



during the course of investigation, it was found that the petitioners were in touch with each other and Santosh Kumar (petitioner) has confessed his guilt in the said case and has described that he had killed the deceased by assaulting him with bricks and sticks and left the dead body of Amarnath Mandal and his motorcycle at the road-side and had fled away.

10. Learned counsel for the informant next submitted that the police has found the case to be true and has submitted charge-sheet for offences under Section 103(1) and 61(2) of B.N.S. It is next submitted that from perusal of the post-mortem report, it would be evident that the deceased was brutally assaulted and the cause of death has been opined to be head injury (fracture brain injury hemorrhage and shock) and thus the learned counsel for the informant has submitted that the petitioners should not be released on bail.

11. Considering the aforesaid submissions of the parties and taking into account that there is no eye witnesses to the occurrence and the name of the petitioners have inserted merely on suspicion, let the petitioners above-named, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned,



Madhepura, in connection with Gwalpara P.S. Case No. 213 of 2024, subject to the following conditions:-

(i) One of the bailors will be close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be canceled by the Court concerned.

(iv) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

12. The application stands allowed.

13. However, it is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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