

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20447 of 2025

Arising Out of PS. Case No.-174 Year-2024 Thana- BARARI District- Katihar

Khushli Mandal @ Khushilal Kumar @ Khashilal Mandal Son of Late
Panchu Mandal Resident of Village - Marghiya, Kadar Tola, Ward No. 04,
P.S. - Barari, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Advocate

For the Opposite Party/s : Mr.Upendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with S.T. No. 532 of 2024 arising out of Barari P.S. Case No. 174 of 2024, registered for the offences under Sections 341, 323, 302 and 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and other co-accused persons dragged out one Rupesh Kumar Mandal from his house and took him to the house of one Dayanand Mandal whose daughter has been missing and they started assaulting Rupesh Kumar Mandal with slaps, fists and legs who denied taking away the daughter of the co-accused. Hearing the commotion, the grandmother of Rupesh Kumar Mandal ran to



the place of occurrence where she was assaulted by the petitioner and other co-accused persons and she became unconscious. Subsequently, she died in the hospital.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is no specific allegation against the petitioner and there is no eye witness account. The police recorded the statement of Rupesh Kumar Mandal who stated that his grandmother became unconscious and fell down and from there she was taken to a village doctor who did not treat here and she was brought back to her house in the next morning, her condition deteriorated and she was taken to CHC, Barari and she died on her way to CHC. To the same effect, the statement of the village doctor who admitted that the victim lady was brought to his place as she was having pain in her chest. Learned counsel further submits that the deceased was an old lady and perhaps she died due to chest pain and there is no role of the petitioner and other co-accused persons in her death. But taking advantage of the death of the grandmother of Rupesh Kumar Mandal, the informant has implicated the petitioner and all his agnates. Learned counsel further submits that the petitioner is having clean antecedent and he is in custody since



04.08.2024 and charge sheet has been submitted.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the non-specific nature of allegation against the petitioner and further considering the period of custody and submission of charge sheet against the petitioner and his clean antecedent, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-VIII, Katihar/concerned court, in connection with S.T. No. 532 of 2024 arising out of Barari P.S. Case No. 174 of 2024, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner 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 three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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