

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26551 of 2025

Arising Out of PS. Case No.-791 Year-2024 Thana- SUPAUL District- Supaul

OM PRAKASH MANDAL @ OM PRAKASH KUMAR @ NUNU S/o
Kamal Mandal R/o vill - Veena, ward no. 9, P.S. and Distt.- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Adv.
For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP
For the Informant : Mr. Kuldeep Kumar, Adv.
Mr. Jitendra Kumar. Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 18-08-2025 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and the learned counsel appearing on behalf
of the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 103(1) and 3(5) of BNS, 2023.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is a young boy aged about 24 years and the informant alleges that petitioner is his neighbour and runs a *Kirana* shop and is also working as a loan provider, further petitioner had taken all the relevant documents of his wife for providing loan, next alleges that petitioner called his wife on 03.12.2024 at 09:00 AM to his



house for the purpose of loan, but his wife did not return and the next day, i.e. on 04.12.2024 dead body of his wife was found near a bridge hanging from a tree with mark of injuries, thus, based on suspicion alleges that petitioner might have committed the occurrence.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant based on suspicion. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the FIR does not even remotely suggest the motive for the occurrence. It is further submitted that informant in the FIR alleges that petitioner called his wife on 03.12.2024 at 09:00 AM and thereafter his wife left, it is thus submitted that if petitioner had any intention of committing any occurrence in that event he would not have called the wife of the informant to his house at 09:00 AM in the morning. It is further submitted that informant is not an eye witness to the occurrence and the entire allegation hinges around suspicion and the petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant oppose the prayer



for anticipatory bail of the petitioner, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that informant is not an eye witness to the occurrence, no motive for committing the occurrence is alleged and the entire allegation hinges around suspicion.

6. The learned counsel appearing on behalf of the informant, at this stage, submits that investigation in the case is going on and if privilege of anticipatory bail is granted to the petitioner, in that event the petitioner may abscond, on which the learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Supaul P.S. Case No. 791 of 2024 subject to the conditions as laid down under



Section 482 (2) of BNSS.

8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

9. It is further made clear that if charge sheet is submitted connecting the petitioner with the offence, apart from suspicion, in that event the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

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