

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25269 of 2025**

Arising Out of PS. Case No.-329 Year-2024 Thana- SABAUR District- Bhagalpur

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Budho Kumar Mandal S/O Janardhan Mandal R/O Purani Shankarpur, P.S-  
Sabour, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

3      01-08-2025                      Heard learned counsel for the petitioner and learned  
APP for the State. Perused the case diary.

2. The petitioner apprehends his arrest in connection  
with Sabour P.S. Case No. 329 of 2024 instituted for the  
offences under Sections 103(1), 3(5) of the Bharatiya Nyaya  
Sanhita, 2023.

3. Accusation against the accused persons is of  
commission of murder of the informant's brother.

4. Learned counsel for the petitioner submitted that the  
petitioner has falsely been implicated in the present case.  
Petitioner is not named in the F.I.R. The name of the petitioner  
transpired in this case on the basis of confessional statement of  
the co-accused Ashish Kumar. No incriminating article has been



recovered from the conscious possession of the petitioner. There is no eye-witness to the occurrence. Learned counsel further submitted in the entire case diary, no any material has come up regarding the complicity of the petitioner in the alleged occurrence. It has been submitted on behalf of the petitioner that the petitioner has no criminal antecedent. The co-accused person has already been granted regular bail by this Court vide order dated 22.03.2025 passed in Cr. Misc. No. 88083 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel further submitted that as per the material available in the case diary, co-accused Abhishek Kumar along with other accused persons including this petitioner committed the murder of the deceased. Learned APP further submitted that other witnesses have also supported the case of the prosecution.

6. Considering the aforesaid facts and circumstances of the case as also there being ample material in the case diary against this petitioner to show his involvement in the alleged occurrence, in my view, this is not a fit case for anticipatory bail hence, I am not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the prayer for grant of anticipatory



bail to the petitioner is, hereby, rejected.

8. However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be disposed of on its own merit without being prejudiced by this order.

**(Rudra Prakash Mishra, J)**

Alok Verma/-

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