

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33270 of 2025

Arising Out of PS. Case No.-209 Year-2023 Thana- BIHARIGANJ District- Madhepura

1. Awadhesh Mandal @ Abadh Kumar @ Awadhesh Kumar Son of Pramod Mandal Village -Laxmipur, Bhatta PS -Brahara Kothi Dist -Purnea
2. Deepak Mandal @ Deepak Kumar son of Pramod Mandal Village -Laxmipur, Bhatta PS -Brahara Kothi Dist -Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivnandan Sah, Adv
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 18-07-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. Petitioners apprehend their arrest in a case registered for the offences punishable under Section 302 of the Indian Penal Code and 27 of the Arms Act.

3. The FIR has been lodged as against eight persons having come to the house of the informant, while she was sleeping adjacent to the deceased on another cot and they opened fire. The land dispute is alleged to be the reason for the occurrence.

4. Learned counsel for the petitioners submits that except the informant, there is no eye witness to the alleged occurrence. It is also submitted that though the occurrence had taken place in the dead of night between 13.08.2023 and 14.08.2023, the written report as also the FIR has been lodged after substantial delay on 16.08.2023. Further, as against the allegation of firing upon eight persons, the



post mortem report would go to show that there is only one firearm injury on the person of the deceased. It has further been submitted that the dispute was basically with the co-accused Pramod Mandal, who also happened to be the step brother of the deceased and this fact stands substantiated from paragraph-66 of the case diary, which shows that a Title Suit had been filed by the wife of the said Pramod Mandal. Besides the informant, there is virtually no other witness, who has given a first hand account of the occurrence and two other witnesses Vijendra Kumar and Bilo Mandal, whose statements have been recorded in paragraphs 20 and 21 of the case diary, both have stated that the deceased had a land dispute with his brother-in-law Pramod Mandal and it is Pramod Mandal along with his associates, who have killed the deceased. Paragraph-70 of the case diary has also been pointed out by the learned counsel for the petitioner to contend that it was Pramod Mandal, who had forcibly taken some land in his possession and the deceased was thus trying to sell off his land. It was due to this dispute, earlier also Pramod Mandal had tried to kill the deceased but could not succeed, however, this time he succeeded. The present two petitioners are sons of Pramod Mandal and it is only due to such reason that both of them have been made an accused in this case along with Pramod Mandal. Both the petitioners are of tender age and are students, who are pursuing their studies.

5. Learned APP for the state however opposes the grant of anticipatory bail on the ground that the anticipatory bail of Pramod



Mandal had been rejected by a co-ordinate Bench of this Court and he was granted regular bail by this Court. However, learned counsel for the petitioner has succeeded in distinguishing the case of this petitioner from the case of Pramod Mandal and specially considering the fact that these petitioners are students with no criminal antecedents.

6. Considering the aforementioned facts and circumstances, let the above named petitioners, in the event of their arrest/ surrender within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand)with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/ successor court in Bihariganj P.S.Case No.209 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C

N.K/-

(Soni Shrivastava, J)

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