

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32758 of 2025

Arising Out of PS. Case No.-269 Year-2024 Thana- GWALPARA District- Madhepura

Makhan Mandal S/o Late Rajendra Mandal, R/o Village- Laliya Bhita, P.S.-
Gwalpara, District- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shivnandan Sah, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 22-08-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Gwalapara P.S. Case No. 269 of 2024 registered for the offence punishable under Section 103(1) read with Section 3(5) of the B.N.S., 2023.

3. As per the prosecution case, while the informant's sister had gone for attending the call of nature at around 08:00 PM, the FIR named accused persons including the petitioner along with four to five other persons caught hold of her and strangled her to death.

4. Learned counsel for the petitioner submits that the FIR itself would reveal that there is general and omnibus allegation against five named and four to five unknown persons and there is neither any eyewitness to the alleged occurrence nor



a single independent witness has supported the case of the prosecution. The entire case is based on suspicion and the informant himself also does not seem to be an eyewitness to the alleged occurrence. He further submits that out of two persons arrested by the Police, co-accused Balo Mandal @ Ballu Mandal had admitted his guilt which would be evident from his confessional statement recorded before Police which is recorded at paragraph no. 17 of the case diary and he accepted the sole responsibility of strangulating the informant's sister upon himself due to her activities which was bringing bad name to the family. He next submits that the petitioner is the father-in-law of the deceased and is about sixty years of age having clean antecedent. He further submits that two other female members of the family have already been granted the privilege of anticipatory bail by this Court *vide* order dated 23.07.2025 passed in Cr. Misc. No. 32832 of 2025.

5. Learned Additional Public Prosecutor for the State on the other hand vehemently opposes the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the submissions made on behalf of the parties and also taking into consideration the fact



that co-accused Balo Mandal admitted his guilt in the form of a sole responsibility and he is in custody and the entire case is based on suspicion, let the petitioner, above-named, in the event of his arrest or surrender before the Court concerned within a period of four weeks, be released on anticipatory bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Udakishunganj, in connection with **Gwalapara P.S. Case No. 269 of 2024**, subject to the conditions laid down under Section 438(2) of the Cr.P.C. / Section 482(2) of the BNSS.

(Soni Shrivastava, J)

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