

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39918 of 2025

Arising Out of PS. Case No.-337 Year-2024 Thana- SABAUR District- Bhagalpur

1. Prabhu Mandal, aged about 48 years, S/o Dhoula Mandal Village- Babupur, Manth Tola, P.S.- Sabour, District- Bhagalpur
2. Gopal Mandal, aged about 55 years, S/o Dhoula Mandal Village- Babupur, Manth Tola, P.S.- Sabour, District- Bhagalpur
3. Gouri Mandal, aged about 45 years, S/o Dhoula Mandal Village- Babupur, Manth Tola, P.S.- Sabour, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Diwakar Upadhyaya, Advocate
For the Opposite Party/s	:	Mr. Umeshanand Pandit, APP
For the Informant	:	Mr. Rakesh Kumar Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant.

2. Petitioners are in custody in a case registered for the offence under Section 103(1), 3(5) of the BNS.

3. Allegation against the petitioners and other co-accused persons is to have murdered the son of the informant.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. He next submits that during the investigation, one co-accused, namely, Mukesh Yadav @ M.P. Yadav was arrested and on the basis of his confessional statement name of the



petitioners has been transpired in this case. He further submits that there is no specific allegation against the petitioners and no overt act has been attributed against the petitioners and also there is no any recovery from the possession of the present petitioners. He next submits that specific allegation is against co-accused Mukesh Yadav @ M.P. Yadav, that he had stabbed on the back of left side of the chest of the informant's son (deceased) which is also evident from the post-mortem report. He further submits that petitioners were not present on the alleged date and at the alleged place of occurrence and there is no any witness who has seen the petitioners at the place of occurrence. He next submits that petitioners are in custody since 25.09.2024 and have got no criminal antecedent as stated in para-3 of the bail petition.

5. Learned APP for the State and learned counsel for the informant opposes the prayer for bail of the petitioner and submits that prayer for bail of the similarly situated co-accused person, namely, Mukesh @ M.P. Yadav @ Mukesh Yadav has been rejected by a co-ordinate Bench of this Court vide order dated 12.05.2025 in Cr. Misc. No.18888 of 2025.

6. On perusal of the First Information Report, case diary, post mortem report of the deceased and impugned order



dated 25.04.2025, it appears that there is no eye witness who has supported the fact that petitioners were present at the alleged place of occurrence and there is no specific allegation against the petitioner perhaps name of the petitioners has been transpired from the confessional statement of co-accused, Mukesh @ M.P. Yadav and no recovery has been made from the possession of the petitioners. So, considering all aspects of the case and submission of learned counsel for the petitioners, let the above named petitioners be released on bail, on their furnishing bail bonds of Rs.10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-Ii, Bhagalpur/Successor Court in connection with Sabour P.S. Case No.337 of 2024.

(Ramesh Chand Malviya, J)

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