

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50116 of 2025

Arising Out of PS. Case No.-60 Year-2025 Thana- JAGDISHPUR District- Bhagalpur

Shiv Kumar S/o Late Mahesh Mandal R/o Village- Pista, P.S- Bypass,
District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 62489 of 2025

Arising Out of PS. Case No.-60 Year-2025 Thana- JAGDISHPUR District- Bhagalpur

Shatrudhan Mandal S/O Late Mukundi Mandal @ Late Makundi Mandal R/O
Village- Pista, Police Station- Bypass, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 50116 of 2025)

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate

For the State : Mr. Tapeshwar Sharma, APP

(In CRIMINAL MISCELLANEOUS No. 62489 of 2025)

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Informant : Mr. Amit Kumar, Advocate

For the State : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 16-10-2025 Heard learned counsels for the petitioners, learned
counsel for the informant and learned APPs for the State.

2. The petitioners have prayed for regular bail in a
case registered for the offence punishable under Sections
103(1), 238, 61(2) and 3(5) of the BNS.

3. The case of the prosecution in short is that one
Birbal (deceased) has gone with Shiv Kumar to Tarapeeth and
when he did not return for a considerable time, his wife filed



this case. During investigation, it has come that the deceased has consumed liquor and thereafter fell ill and died. The dead body of the deceased was thereafter thrown away. The petitioners are alleged to have thrown the dead body and the dead body was recovered on the statement of the driver Md. Jahid.

4. Learned counsels for the petitioners have submitted that from perusal of the FIR it is clear that there is only allegation against one Shiv Kumar is that he has gone with Birbal (deceased) to Tarapeeth and while calls were made by the informant, he had told the informant that he is in Calcutta and getting treatment and during course of investigation in paragraph '33' of the case diary it has come that the driver and these both petitioners have shared a room and due to heavy consumption of liquor, Birbal died. It has further come that these petitioners deboarded the dead body of the deceased by the side of the road. Learned counsels for the petitioners have submitted that from perusal of the post-mortem report also it will transpire that the Doctors have not found any antemortem injuries on the person of the deceased and the cause of death was reserved *viscera* was preserved for sending it to FSL. Learned counsels for the petitioners have submitted that from the materials which have come during investigation it is utmost



a case of concealing the dead body. The petitioners are in custody since 27.03.2025 (Shiv Kumar) and 07.04.2025 (Shatrudhan Mandal). Moreover, the petitioners are men of clean antecedent. It has been submitted that one of the co-accused, namely, Md. Jahid who was the driver of the vehicle has been granted bail by the learned Co-ordinate Bench vide Cr.Misc. No. 45331 of 2025.

5. Learned counsel for the Informant is present and he has vehemently opposed the bail of the petitioners and has submitted that they have concealed the body of the deceased.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Jagdishpur P.S. Case No. 60 of 2025 on furnishing bail bond of Rs.10,000/- (Ten Thousand) each of them with two sureties of the like amount each to the satisfaction of learned C.J.M.,Bhagalpur.

(Ashok Kumar Pandey, J)

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