

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89270 of 2024

Arising Out of PS. Case No.-474 Year-2024 Thana- AMARPUR District- Banka

1. Mahesh Mandal Son of Suman Mandal village- Gouripur, Ps- Amarpur, Dist- Banka
2. Mito Mandal @ Mithun Mandal son of Late Rudo Mandal village- Gouripur, Ps- Amarpur, Dist- Banka
3. Rahul Kumar @ Rahul Mandal son of Mito Mandal @ Mithun Mandal village- Gouripur, Ps- Amarpur, Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 24-03-2025 Heard learned counsel for the petitioners and learned APP
for the State. Perused the case diary.

2. The petitioners seek bail in connection with Amarpur P.S. Case No. 474 of 2024 instituted for the offence under Sections 103(1) & 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Prosecution case in short is that on 09.07.2024, the informant's son went away with a co-villager girl, who returned after a few days, but he did not. On 17.07.2024, he was found hanged from a pole in Ratan Singh's field. The informant suspects that petitioners killed her son due to prior enmity and



hanged him.

4. It has been submitted on behalf of the petitioners that the petitioner No. 1 is in custody since 03-09-2024 and petitioner Nos. 2 & 3 are in custody since 07-08-2024. Petitioners bear no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioners' counsel that petitioners have been falsely implicated in the present case only on suspicion, which is evident from the FIR itself. There is no eye witness to the occurrence. Petitioners have no concern with the victim in question. There is delay of one day in lodging of the FIR. Petitioners have no concern with the girl who was abducted by the son of the informant. There is no specific allegation against the petitioner, rather allegation is general and omnibus in nature. Except suspicion, there is no material against the petitioners. Charge sheet is submitted.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. Referring to paragraph No. 47 of the case diary, which is postmortem report of the deceased, the cause of death is mentioned as asphyxia due to hanging. It is submitted that witness at paragraph No. 10 of the case diary has stated that petitioners



often used to threat the informant.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioners, there being no direct allegation against the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioners.

8. Let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Amarpur P.S. Case No. 474 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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