

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15792 of 2026

Arising Out of PS. Case No.-266 Year-2025 Thana- NATHNAGAR District- Bhagalpur

1. Chhotu Mandal @ Ranjit Mandal Son of Dhanraj Mandal Resident of Village- Bairiya, P.S.- Nathnagar, District- Bhagalpur
2. Mangal Mandal Son of Chenari Mandal Resident of Village- Bairiya, P.S.- Nathnagar, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-03-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in connection with Nathnagar P.S. Case No. 266 of 2025, dated 19.08.2025, instituted under Sections 140 and 3(5) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”), subsequently, Section 103(1) of the BNS has also been added, and the matter is pending before the Court of the Judicial Magistrate, 1st Class, Bhagalpur.

3. As per the prosecution, the FIR has been lodged against two named accused persons other than the present petitioners, alleging that both the named accused persons came



to the informant's house and called the informant's son (deceased) for catching fish. The informant's son went with them but did not return home.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel further submits that the petitioners are not named in the FIR, rather, their names surfaced during investigation. Counsel further submits that from the contents of the FIR, it becomes crystal clear that the informant's son was of unsound mind. Counsel further submits that there is a delay of three days in lodging the FIR. Counsel further submits that some of the accused persons have already been granted regular bail by a co-ordinate Bench of this Court vide order dated 05.01.2026 passed in Cr. Misc. No. 84532 of 2025. Counsel also submits that the criminal antecedents of the petitioners are clean.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that the dead body of the informant's son was recovered on 23.08.2025. It transpires from the postmortem report that the dead body was found in an advanced stage of decomposition, and further, the doctor has opined the cause of death as asphyxia and shock due to antemortem drowning. Counsel further submits that the



postmortem report of the deceased also fully supports the prosecution case.

6. In the present facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, the prayer for anticipatory bail of the petitioners is hereby rejected.

7. It is directed to the petitioners to surrender before the Trial Court within a period of six weeks from today. In case the petitioners surrender within six weeks, the Trial Court is directed to pass order on their surrender-cum-bail applications on the same day, without being prejudiced by the fact that their anticipatory bail has been rejected by this Court. The Trial Court shall pass the order on the merits of the case.

(Dr. Anshuman, J.)

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