

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18019 of 2026

Arising out of PS. Case No.-312 Year-2025 Thana- AMDABAD District- Katihar

Kailash Mandal Son of Chandan Mandal R/o Jagbandhu Tola, P.S.- Ratua,
Distt.- Malda(W.B).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv.

For the Opposite Party/s : Mr. Renuka Ratnakar (App 125), APP

CORAM: HONOURABLE MR. JUSTICE ANSUL

ORAL ORDER

4 27-05-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in Amdabad P.S. Case No.
312 of 2025 registered for an offence under Sections 103(1),
61(1), 3(5) of BNS.

3. The allegation is that on 02.12.2025 at
approximately 2:00 P.M., the accused persons, namely Aditya
Mandal and Kailash Mandal, took away the son of the
informant, namely Ankur Sarkar, aged about 14 years.
Thereafter, the dead body of Ankur Sarkar was recovered. It is
further alleged that the deceased was in a romantic relationship
with one Suhana Yadav, aged about 15 years, and that the
brother of Suhana Yadav along with his associates had assaulted
the deceased approximately one year prior to the present



incident.

4. Learned counsel for the petitioner submits that the petitioner was last seen with the son of the informant and the name of the petitioner has surfaced in the confessional statement of the co-accused and that apart from the said confessional statement, there is no independent material against the petitioner. He further submits that the petitioner has no criminal antecedent and has been in custody since 06.12.2025.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Having considered the submissions advanced by learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the State, this Court is of the considered view that the only incriminating material against the petitioner is: (i) the circumstance of last seen, and (ii) his name having surfaced in the confessional statement of the co-accused. It is settled law that a confessional statement of a co-accused is not admissible as substantive evidence against the petitioner herein and cannot, by itself, form the basis of continued detention. The last-seen circumstance, standing alone and in the absence of any corroborative material, is insufficient to disentitle the petitioner from bail at this stage. In view of the



foregoing, and taking into account the petitioner's clean antecedents and the period of custody undergone, this Court is inclined to enlarge the petitioner on bail.

7. Let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with Amdabad P.S. Case No. 312 of 2025 subject to the condition that since the petitioner belongs to Malda (West Bengal) he must furnish two local bailors.

8. It is made clear that any observation made herein is *prima facie* in nature and limited solely for the purpose of adjudication of the present bail application. Such observations shall not be construed as an expression on the merits of the case and shall not influence the trial or any other proceedings in any manner.

(Ansul, J)

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