

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73763 of 2025

Arising Out of PS. Case No.-297 Year-2024 Thana- MANIHARI District- Katihar

1. Fantosh Mandal @ Fantush Kumar Mandal @ Fantus Kumar, S/o Anandi Mandal,
2. Mishtu Kumar Mandal @ Mistu Kumar Mandal, S/o Naresh Mandal
3. Suman Kumar Mandal, S/o Late Rabbo Mandal,
All are resident of Village- Baghmara, Police Station-Manihari, District-Katihar

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-02-2026 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The accused/petitioners seeks bail in connection with Manihari P.S. Case No.297 of 2024 registered for the offences punishable under Sections 189(2), 115(2), 126(2), 324(4), 109, 352 and 351(2) of the Bhartiya Nyaya Sanhita, 2023 (for short 'B.N.S.').

3. All three accused/petitioners are named in the FIR and are in custody since 22.04.2025 and 01.01.2025 respectively.

4. As per FIR, nine named accused persons including the petitioners came to the courtyard of informant and started



to abuse the informant and family members, which upon objection, co-accused persons damaged the property of informant worth of Rs.50,000/- and co-accused Sunil Mandal assaulted on the head of father-in-law of the informant due to which, he died in Bhagalpur Hospital during treatment.

5. It is submitted by learned counsel appearing for the petitioners that the occurrence was free fight in nature, as both parties are angates. It is submitted that the occurrence took place in the background of land dispute and for same set of occurrence, the petitioners' side also lodged a case, which was registered as Manihari P.S. Case No.298 of 2024. It is submitted that as per FIR, no overt act appears attributed to this petitioner rather allegation of fatal assault is available against co-accused Sunil Mandal. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence and moreover petitioner is a man of clean antecedent.

6. Learned APP opposed the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions as *prima*



facie no overt act attributed against petitioners during the occurrence, where allegation of fatal assault appears available against co-accused Sunil Mandal, coupled with the fact that investigation of this case is already completed, where petitioner No.1 remains in custody since 22.04.2025 and petitioner no.2 remain in custody since 01.01.2025, accordingly, the petitioners, above-named, are directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Manihari P.S. Case No.297 of 2024, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short ‘CrPC’)/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short ‘BNSS’).

(Chandra Shekhar Jha, J.)

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