

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84532 of 2025

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

1. Mantosh Mandal S/o Chandra Deep Mandal R/o Village- Bariya, P.S.- Nathnagar, District Bhagalpur.
2. Annu Mandal @ Ashutosh Kumar Mandal S/o Chandra Deep Mandal R/o Village- Bariya, P.S.- Nathnagar, District Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 05-01-2026 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

2. The petitioners seek bail in a case instituted for the offences under Sections 140(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and later on charge-sheet was submitted under Sections 140(3), 103(1), 238 and 3(5) of BNS. They have no criminal antecedent.

3. As per the prosecution case, the informant has alleged that the named accused persons, who were neighbour came to the house of informant and asked his son to go for fishing. It is further alleged that when the informant's son did not return and on inquiry they replied that they don't know where his son



had gone. It is also alleged that the informant's son was of unsound mind for which the treatment was being done and since there was flood there was problem in searching.

4. Learned counsel for the petitioners submit that the petitioners have falsely been implicated in this case and from bare perusal of the FIR it would be evident that there is no allegation against the petitioners of any overt act rather not even any suspicion raised against the petitioners. It is further submitted that from perusal of the impugned order it would be evident from the post-mortem that the cause of death was found to be asphyxia and shock due to ante-mortem drowning. It is also submitted that there is no material during the course of investigation which would connect the petitioners to the aforesaid incident. It is lastly submitted that the petitioners have no criminal antecedent and they are in custody since 01.09.2025.

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

6. Considering the aforesaid submissions of learned counsel and taking into account the fact that the petitioners are in custody since 01.09.2025, the petitioners above named, are directed to be released on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the



like amount each to the satisfaction of Ms. Sadaf Mustafa, learned Judicial Magistrate, 1st Class-cum-A.M. VI/Court concerned, Bhagalpur in connection with Nathnagar P.S. Case No. 266 of 2025, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be



delayed for purpose of the same or in the name
of verification.

7. It is made clear that the observations, if any, made
in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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