

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91193 of 2025

Arising Out of PS. Case No.-103 Year-2025 Thana- Salmari District- Katihar

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Anil Mandal Son of Bhelu Mandal Resident of Village - Rohiya, P.S.-
Salmari, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. P.K. Sinha, Adv.

Md. Musowir, Adv.

For the Opposite Party/s : Mr. Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 20-02-2026 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Salmari P.S. Case No. 103 of 2025 registered for the offence(s) under Section(s) 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (B.N.S.).

3. The prosecution case is to the effect that the petitioner along with the others entered into an altercation with regard to drainage and it is alleged that thereafter all the accused persons assaulted the informant, his wife and his father. It is specifically alleged that Anil Mandal attacked his father, causing injuries on his head and stomach and during the course of treatment, the Doctors declared the informant's father dead.

4. The learned counsel for the petitioner submits that



the petitioner has falsely been implicated on account of personal dispute between the informant and the petitioner. However, later, good sense prevailed and during the course of investigation, the informant, his elder brother and the nephew, they all have unanimously stated that the father of the informant had, in fact, slipped and on account of the same, he received injuries on his head and, thereafter, he was taken to KMCH, Katihar, where he was declared dead. It has further been submitted that from the perusal of the post-mortem report, it would appear that though the external finding is diffused swelling over occipital region of head and fracture of right shoulder, however, it would be evident that there is no reference of any ligature wound over the same, which goes on to show that there was no assault. It has, thus, been submitted that in view of the specific contentions of the immediate relatives of the deceased, the petitioner may be released on bail, who carries clean antecedent.

5. The learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let



the petitioner, above-named, be released on anticipatory bail, in the event of his arrest or surrender before the concerned Court/successor Court within a period of four weeks from today, on his furnishing bail bond in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court/successor Court where the case is pending in connection with Salmari P.S. Case No. 103 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 read with corresponding Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.) as well as subject to the following conditions :

(i) One of the bailors of the petitioner shall be his close relative and the other shall be a local resident.

(ii) The petitioner shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the concerned Court.

(iv) The concerned Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that he has concealed his criminal antecedent, the Court concerned shall take necessary steps for cancellation of his bail bond. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of 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.

8. The application stands allowed.

(Sourendra Pandey, J)

Praveen-II/-

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