

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12749 of 2015

Arising Out of PS.Case No. -581 Year- 2014 Thana -BANKA District- BANKA

- =====
1. Prakash Mandal @ Om Prakash Mandal
2. Subhash Mandal Both are sons of Janardan Mandal resident of village-
Kebal Dih, P.S. Banka, District :_ Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha

For the Opposite Party/s : Mr. Md.Fahimuddin(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

5 28-09-2015 Heard learned counsel for the petitioner No. 1 and
learned Additional Public Prosecutor for the State.

There is specific allegation against the petitioner
that he opened fire twice on the deceased as a result of which,
deceased died then and there.

Contention on behalf of the petitioner is that the
postmortem report reveals that no fire-arm injury was found on the
person of the deceased and moreover, there is delay in sending the
first information report to the court. It is further contended by him
that there is admitted land dispute between the parties and,
therefore, the aforesaid circumstance creates doubt about the
genuineness of the prosecution story and as a matter of fact, the

informant is not an eye witness of the alleged occurrence and the deceased was killed by some unknown persons.

Regard being had to the facts and circumstances of the case as well as submission of the parties, I am not inclined to release the petitioner No. 1 namely, Prakash Mandal @ Om Prakash Mandal on bail and hence, his prayer for bail in connection with Banka P.S. Case No. 581 of 2014 pending in the court of Chief Judicial Magistrate, Banka/concerned court stands rejected.

A.K.V./-

(Hemant Kumar Srivastava, J)

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