

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.31101 of 2015**

Arising Out of PS.Case No. -7 Year- 2015 Thana -KATIHAR MUFFASIL District- KATIHAR

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Gurudeo Mandal @ Gurudev Mandal

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar Pathak

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.App)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR**

**JHA**

**ORAL ORDER**

4 07-10-2015

Heard both sides.

The petitioner apprehends his arrest in a case under Section 302 and other sections of the Indian Penal Code, section 27 of Arms Act and under section 3(2) (v) of SC/ ST Act.

The informant is the brother of Jamir Lal Uraon. The informant alleged that while Jamir Lal Uraon and his wife were returning on a bike Suresh Yadav, Umar Ali and Harendra Uraon made indiscriminate firing causing fire arm injuries in the neck of Jamir Lal Uraon. Wife of Jamir Lal Uraon also got injuries.

The learned counsel for the petitioner submits that the petitioner is not named in the FIR. Name of the petitioner figured in the case after three months of the occurrence that too on the basis of hearsay evidence in paragraph 73 of the case diary. In paragraph 98 of the case diary Pintu Kumar, who claims to be an eye witness of the occurrence, also disclosed the name of the

petitioner. There is no cogent evidence. The informant himself is an eye witness of the occurrence.

Learned Special P. P., however, opposed the prayer for anticipatory bail.

From perusal of the records, it appears that the informant named three persons and made allegation that Suresh Yadav, Umar Ali and Harendra Uraon made indiscriminate firing causing injury to his brother and his wife. The wife of Jamir Lal Uraon succumbed to the injuries. On perusal of the case diary, it appears that Jamir Lal Uraon, who got injuries on his neck, made written statement in paragraph 71 of the case diary and he disclosed that he saw six persons on two motor cycles and he very categorically named the petitioner, Gurudev Mandal, as one of the accused who was following him thereafter indiscriminate firing was made causing death of his wife and injury on his neck.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

**(Prabhat Kumar Jha, J)**

BKS/-

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