

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25434 of 2015

Arising Out of PS.Case No. -186 Year- 2014 Thana -KURSELA District- KATIHAR

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1. Mangan Mandal son of Late Chanchal Mandal resident of village- Chain Tola, P.S. Kursela, District- Katihar..... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N. K. Aggrawal, Sr. Advocate

Mr. Anant Kumar-1, Advocate

For the Opposite Party/s : Mr. Satyavrat Verma(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 08-10-2015 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in connection with Kursela P.S. Case No. 186 of 2014 registered for the offences punishable under Sections 147, 148, 342, 307, 302, 504 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, the petitioner and other FIR named accused persons after abusing the informant surrounded him and thereafter, Bablu Mandal, Ranjit Mandal, Sanjit Mandal, Mangan Mandal (petitioner) and Jogendra Mandal opened fire upon the informant which hits on several part of the informant's body and further hit the stomach of Dilkhush Kumar resulting he became senseless and thereafter, the accused persons fled away. Dilkhush Kumar succumbed to the injury.

Submission is of false implication due to the fact that the petitioner is a prosecution witness against the informant in Kursela P.S. Case No. 73 of 2014 and to put pressure he has been implicated. Medical evidence is not consistent with the statement of the informant and further there is no specific allegation against the petitioner. The petitioner is suffering in custody since 09.04.2015.

Learned APP opposes the prayer for bail of the petitioner by submitting that due to firearm injury the grandson of the informant, namely, Dilkhush Kumar died and out of seven accused persons named in the FIR, there is specific allegation against the petitioner and four others for causing firearm injury upon the informant and his grandson and as such, the petitioner does not deserve bail.

In the facts and circumstances stated above, considering that out of 7 FIR named accused persons 5 accused persons including the petitioner have opened fire causing several injuries to the informant and the deceased, as such, this Court is not inclined to release the petitioner on bail, accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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