

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34838 of 2015

Arising Out of PS.Case No. -124 Year- 2013 Thana -PIRPAINITI District- BHAGALPUR

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1. Shankar Mandal Son of Late Khikhar Mandal, resident of village-
Bhakharpur, P.S. Pirpainty, Distt- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha

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

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 24-11-2015 Heard the learned counsel for the petitioner as well as

the learned A.P.P.

The petitioner seeks bail in a case for the offences
punishable under sections 302/34 of the I.P.C and section 27 of the
Arms Act.

Allegedly, the informant saw the petitioner and other
co-accused fleeing away after killing Savita Devi, the sister of the
informant, by opening fire. It is alleged that Urmila Devi, the
mother and Ravi Kumar Verma have seen the occurrence. During
investigation Urmila Devi in her statement being an eye witness
has stated that this petitioner also shot Savita Devi on her head.

Submission is of false implication and that the
informant is not an eye witness, witness Urmila Devi has got no

occasion to see the occurrence. Co-accused Mantu Mandal has filed Complaint Case No. 1956 of 2013 for the same occurrence and this case has been filed falsely. The petitioner is brother-in-law of Mantu Mandal. The statement of Urmila Devi is not believable and as such the petitioner who is suffering in custody since 04.05.2015 deserves sympathetic consideration.

The learned A.P.P. opposes prayer for bail by submitting that the petitioner is also assailant.

In the facts and circumstances as stated above, considering that Urmila Devi being an eye witness has stated the name of the petitioner as one of the assailant and as such this Court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Pirpainty P.S. Case No. 124 of 2013/ G.R. No. 2737 of 2013 pending in the court of C.J.M. Bhagalpur.

(Jitendra Mohan Sharma, J)

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