

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34408 of 2014

Arising Out of PS.Case No. -58 Year- 2014 Thana -DHURAIYA District- BANKA
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Sanjeev Mandal, son of Churaman Mandal

.... Petitioner/s

Versus

The State of Bihar

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

Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 06-04-2015 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with

Dhoraiya P.S. Case No. 58 of 2014 registered for the offences
punishable under Sections 364, 302, 120B/34 of the Indian
Penal Code.

Admittedly, the dead body of the deceased was

found in a well and the informant gave written report to officer
in charge of Dhoraiya police station on the day of recovery of
dead body of her husband and on that basis, U.D. Case No. 01
of 2014 was registered but after some days, she filed complaint

case which was converted into Dhoraiya P.S. Case No. 58 of 2014.

There is accusation against the petitioner that he along with others took the deceased from his house. Although, in course of investigation, not a single prosecution witness claimed to have seen the petitioner and other accused committing the murder of the deceased but some witnesses stated that they had seen the petitioner and other accused standing near the well at the time of alleged occurrence. The post mortem report of the deceased reveals that blood stained frothing was coming out from both the nostrils of the deceased and the opinion regarding the cause of his death was kept reserved.

Regard being had to the facts and circumstances of the case as well as submissions of the parties, I am not inclined to grant the privilege of anticipatory bail to the petitioner and accordingly, his prayer for anticipatory bail in connection with Dhoraiya P.S. Case No. 58 of 2014 pending in the court of N.K. Priyadarshi, Judicial Magistrate 1st Class, Banka stands rejected.

However, it is made clear that if petitioner surrenders before the concerned court within four weeks from

today and seeks regular bail, the concerned court shall dispose of regular bail application of the petitioner on its own merit on the day of surrender and thereafter, if petitioner files any regular bail application before the Sessions court, the same shall be considered by the concerned Sessions court on its own merit without being prejudiced by this rejection order.

(Hemant Kumar Srivastava, J)

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