

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37902 of 2016

Arising Out of PS.Case No. -26 Year- 2016 Thana -ALAMNAGAR District- MADHEPURA

1. Akhilesh Mandal @ Akhilesh Kumar Mandal @ Akhalesh Mandal Son of Late Suresh Mandal
2. Sudin Mandal Son of Late Bino Mandal
3. Tufani Mandal Son of Chunchun Mandal All are resident of village - Kolwara Tola, Gangapur P.S. Alamnagar (Ratwara), District Madhepura (Bihar)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL**
ORAL ORDER

4 10-11-2016 Heard the counsel for the petitioners and Mr. Perveen Kumar Singh, APP for the State.

The petitioners are accuseds of Alamnagar (Ratwara O.P.) P.S. Case No. 26 of 2016 (G. R. No. 143 of 2016) registered under sections 395,397 and 412 of IPC.

As per the prosecution case, while the informant along with his friend and one Kari Devi was proceeding to Kolwara Tola and reached near the maize field, all of a sudden, 07 accused persons armed with country-made pistols and Lathi etc. appeared/emerged from the nearby field and surrounded them. Under fear of assault they relieved the informant of his belongings. They further insisted for giving some more cash and other articles which was objected whereafter informant and others



were assaulted. One of the accuseds fired which hit Kari Devi. The police was immediately informed whereafter a combing operation was carried out and one Babloo was apprehended who disclosed the name of the petitioners. Thereafter the police arrested the petitioner no.3 and on his disclosure/revelation also made search of the houses of petitioner nos. 1 and 2 and after their arrest one country made pistol and live cartridges plus some cash amount were recovered from the possession of petitioner nos. 1 and 2.

The contention of the petitioners is that they have falsely been implicated. They are languishing in jail custody since 03.03.2016.

Learned APP opposed the prayer and submitted that in course of investigation police have found incriminating material against the petitioners inasmuch as immediately after the occurrence the houses of petitioner nos. 1 and 2 were searched and country made pistol, cartridges and cash amount were recovered. He also submits that petitioners have some criminal antecedents.

Considering the facts and circumstances of the case, I am not persuaded to extend them the privilege of bail. Their prayer of bail is rejected.

If the trial does not record adequate/sufficient progress within 08 months from the date of receipt/production of a copy of this order, they shall have liberty to renew their prayer for bail in the court below itself.

(Kishore Kumar Mandal, J)

HR/-

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