

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39940 of 2015

Arising Out of PS.Case No. -256 Year- 2015 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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1. Pradeep Mandal Son of late Raj Kishore Mandal Resident of Village-
Barari,P.s Barari,District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parmod Kumar

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

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 25-01-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection with
Bhagalpur Kotwali (Barari) P.S. Case No. 256 of 2015 registered
for the offences punishable under Sections 364/34 and 302 of the
Indian Penal Code.

Earlier case diary of the present case was called for,
which has since been received.

Learned counsel for the petitioner submits that though
the petitioner is not named in the first information report
subsequently in the statement of the informant which was given
by him on the third occasion, the name of the petitioner transpired
stating that there was enmity between the petitioner and the



deceased and on account of the said enmity the deceased had been thrown out his job as Munshi in the shop of the present petitioner. It is further submitted that the entire story was concocted by the informant on the third occasion as on the earlier two occasions, he had not stated about the enmity between the petitioner and the son of the informant. It is further submitted that there is no injury on the deceased, as is evident from the post mortem report. It is further submitted that after the dead body of the deceased was recovered, the present concocted story was manufactured that the deceased was badly beaten and thrown into the river. It is an imaginary story created by the informant only to victimize the present petitioner.

Learned counsel for the State after perusal of the case diary submits that as per the several paragraphs in the case diary particularly the statement of the father, mother and brother of the deceased, it appears that there was some enmity between the petitioner and the deceased.

However, keeping in view the post mortem report and also the fact that such enmity had not been expressed in the first two versions, as stated by the informant and that the petitioner has no criminal antecedent, let the petitioner above named, in the event of his arrest or surrender before the court below within a

period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Barari) P.S. Case No. 256 of 2015 (G.R. No. 1514 of 2015), subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J)

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