

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47299 of 2015

Arising Out of PS.Case No. -406 Year- 2011 Thana -BIHPUR District- BHAGALPUR

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1. Karelal Mandal Son of Late Batohi Mandal Resident of village -
Dudhaila, Baluatola,P.S. Bihpur, District - Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. P.K.Chaurasiya(App)

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

3 13-01-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Bihpur
P.S. Case No. 406 of 2011 registered for the offences punishable
under Section 302/34 of the Indian Penal Code and Section 27 of
the Arms Act.

Allegedly the petitioner and co-accused Rajesh Thakur
opened indiscriminate firing upon Ramdhani Mandal which hit in
his chest and he died and further co-accused Diwash Thakur shot
Fulo Yadav dead.

Submission is of false implication and that there is no
specific allegation against the petitioner rather allegation of firing
is against Rajesh Thakur and the petitioner for killing Ramdhani

Mandal. In S.T. No. 1372 of 2012, the witnesses examined have not stated regarding the hand of the petitioner in killing the deceased Ramdhani Mandal and, as such, the petitioner deserves sympathetic consideration as he is suffering in custody since 21.07.2015.

The learned A.P.P. opposes the prayer of bail by submitting that the petitioner remained absconding resulting his trial has been separated and prayer of bail of Rajesh Thakur, similarly situated, has been rejected by this Court vide order dated 16.05.2013 passed in Cri. Misc. No. 46378 of 2012.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner serious in nature, this Court is not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected.

However, the petitioner may renew the prayer of bail after examination of informant Ashok Yadav in S.T. No. 156(A)/2013.

(Jitendra Mohan Sharma, J)

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