

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49267 of 2016

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

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1. Sadanand Mahto son of Sahinder Mahto Resident of Village- Khavandiyara, Police Station- Alamnagar (Ratwara), District- Madhepura.
 2. Anil Mandal Son of Udo Mandal Resident of Village- Gangapur Kolbara Tola, Police Station- Alamnagar (Ratwara), District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL ORDER

4 17-02-2017 Heard learned counsel for the petitioners as well as learned APP.

Informant along with his friend, Rajesh Kumar was to visit village, Gangapur Koyalwar at the place of Kari Devi for marriage negotiation and for that, they got down from bus at Sonamukhi Bazar where Kari Devi was present and they along with Kari Devi proceeded towards place of Kari Devi and during midst of way fell prey at the hands of the criminals who on the point of fire arm snatched their belongings and during course thereof, on protest, they assaulted informant as well as shot at Kari Devi causing fire arm injury over her jaw. After escape of accused persons, they began to raise alarm whereupon police was informed and with the assistance of the police, they proceeded towards



direction where accused persons fled away. On alarm, one of the miscreants was apprehended by the villagers who disclose his identity as Bablu Kumar and from his possession, looted cash appertaining to Rs. 3000/- along with fire-arm were recovered. That Bablu Kumar was identified to be the assailant of Kari Devi. On interrogation, he disclosed the names of his associates including that of petitioners, Sadanand Mahto and Anil Mandal. Further, police along with members of the prosecution party conducted a raid at the house of one Tufani Mandal who was apprehended and on his pointing out house of Sunil Mandal was raided wherefrom a loaded pistol along with five live cartridges, cash appertaining to Rs. 3000/- was recovered. Then thereafter, house of Akhilesh Kumar was raided and wherefrom fire-arm, cartridges and cash appertaining to Rs. 6000/- were recovered. Then, house of petitioner, Anil Mandal was raided but he escaped. Subsequently, the house of Sadanand Mahto was raided and he was arrested. Then thereafter, the police raided the house of Bhushan Mandal, he also managed to escape therefrom.

So far as the prayer for bail of Anil Mandal is concerned, save and except, inculpatory extra-judicial confessional statement of Bablu Kumar, nothing more remains against him, because of the fact that after his arrest,



he was not put on TIP.

That being so, prayer for bail of petitioner, Anil Mandal is allowed. Accordingly, petitioner, Anil Mandal is directed to be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Udakishanganj, Madhepura in connection with Alamnagar (Ratwara) PS Case No. 26/2016.

So far petitioner, Sadanand Mahto is concerned, he was arrested in presence of prosecution party who had identified him to be one of the culprits and that being so, his prayer for bail is rejected.

Considering the period of custody, the learned lower court is directed to proceed with the trial expeditiously.

(Aditya Kumar Trivedi, J)

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