

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29415 of 2017

Arising Out of PS.Case No. -126 Year- 2016 Thana -KURSELA District- KATIHAR

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1. Awadhesh Mandal, S/o Bhairu Mandal,
2. Bhairu Mandal, Son of Sita Ram Mandal, Both residents of Gandhi
Gram Bindtoli, P.S.- Kursela, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Ajay Kumar-1, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 21-08-2017 Heard both sides.

The petitioner no. 2 Bhairu Mandal has already been arrested. Therefore, anticipatory bail petition of petitioner no. 2 is dismissed, as has become infructuous.

The petitioner apprehends his arrest in Kursela P.S. Case No. 126/2016, registered for the offences punishable under Sections 302, 120B and 34 of the Indian Penal Code.

The informant Sita Devi wife of the deceased alleged that while she along with her husband and others were returning after harvesting the crops and when they reached near Basa of Bhairu Mandal petitioner no. 2, Hulas Yadav, Shyam Yadav, Awadhesh Mandal (petitioner no. 1), Nago Yadav, Bhairu Mandal



petitioner no. 2 and two others took her husband towards river. Nago Yadav, Photo Yadav and Rajesh Yadav and others confined them at the point of gun and the accused persons shot at her husband killing him on the spot.

Learned counsel for the petitioner submits that there is no specific allegation of firing against the petitioner. The petitioner was not present even at the place of occurrence. The informant filed protest petition, but she did not name the petitioner in the protest petition, but from perusal of the case diary and F.I.R. itself, it appears that the informant specifically named the petitioner along with other accused persons that they all took her husband toward the river and shot him dead. Later on, the dead-body of the husband of the informant was found in the river.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner no. 1 Awadhesh Mandal above-named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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