

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15419 of 2017

Arising Out of PS.Case No. -193 Year- 2016 Thana -GOPALPUR District- BHAGALPUR

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1. Bajrangi Mandal, S/o Mahendra Mandal, resident of village - Tintanga
Karari, P.S. Gopalpur, District - Bhagalpur Petitioner/s
Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Yadav

For the Opposite Party/s : Mrs. Smt. Rita Verma

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

4 30-06-2017 Heard both sides.

The petitioner seeks bail in Gopalpur P.S. case No.
193 of 2016 under Section 364/34 of the Indian Penal Code.

The informant alleged that she got information that her son Ranbir Yadav was kidnapped. In the meantime, Sanjay Yadav, son of her brother-in-law, came and disclosed about the occurrence that Akhilesh Yadav, Gautam Yadav, Ranjit Mandal, Barun Mandal, Bajrangi Mandal, the petitioner, Mantu Mandal, Mithun Yadav and 4-5 others, having armed with different weapons, dragged Ranbir Yadav after assaulting him. On such information, the informant and other villagers went and found blood stain trail showing that son of the informant was brutally assaulted and the accused persons took him away.

Sri Yogesh Chandra Verma, the learned senior counsel appearing on behalf of the petitioner, has submitted that there is omnibus and general allegation of assault and dragging



against the petitioner. No specific allegation is made against the petitioner. Similarly situated accused Gautam Yadav has already been enlarged on bail vide order dated 22.06.2017 passed in Cr. Misc. No. 14713 of 2017. The case of petitioner stands on the same footing but from perusal of the records and the case diary, I find that, besides the informant, Sanjay Yadav and many other villagers disclosed that, after having got information, they went in search of Ranbir Yadav and found blood trail in the Diyara where Ranbir Yadav was dragged and was taken away. Later on a decomposed dead body was found. The F.S.L report shows that the dead body was of a human being. It appears that it is a brutal murder. The accused persons in order to take revenge brutally killed the deceased by kidnapping him and in such circumstance absence of specific allegation is of no material. I am not in agreement with the views of my learned brother who has granted bail to Gautam Yadav on the ground that no specific allegation is made against him.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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