

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29395 of 2017

Arising Out of PS.Case No. -191 Year- 2016 Thana -JAGDISHPUR District- BHAGALPUR

- =====
1. Dhananjay Paswan @ Dhananjay Chaudhary, Son of Chunchun Paswan, Resident of Village – Bade Hasanpur, P.S. – Jagdishpur, District- Bhagalpur.
 2. Kapuri Tanti, Son of Late Sahdeo Tanti, Resident of Village – Nadiyama, P.S. – Goradih, District – Bhagalpur.
 3. Dilip Chaudhary @ Dilip Kumar Chaudhary, Son of Ganpat Chaudhary, Resident of Village – Tagepur, P.S.- Jagdishpur, District – Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha

For the Opposite Party/s : Mr. Sri Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 19-08-2017 Heard both sides.

The petitioners apprehend their arrest in Jagdishpur P.S. Case No. 191 of 2016 registered for the offences punishable under Section 302 and other Sections of the Indian Penal Code and under Section 27 of the Arms Act.

Soni Devi alleged that on 26.07.2016 at about 6:00 in the evening when she and her husband opened the Kirana store, in the meantime Bajrangi Mandal, Rabindra Mandal, Devendra Singh, Kishan Mandal, Ramdev Mandal, Kailash Mandal and three unknown persons came and they entered into the shop and started looting the different articles. On protest, Kishan Mandal



exhorted Bajrangi Mandal and Bajrangi Mandal fired which hit in the temple of the husband of the informant. Again Ramdev Mandal asked Rabindra Mandal to fire on such Rabindra Mandal also fired in the temple of her husband and her husband died on the spot.

Mr. B.P. Pandey, learned senior counsel appearing on behalf of the petitioners submits that the petitioners are not named in the FIR. After six months of the occurrence the informant filed protest petition but she did not name the petitioners. During course of investigation, some of the witnesses have stated that the petitioners were seen few hours before in the company of Bajrangi Mandal in the vicinity of the occurrence. It is further submitted that the petitioners may be in the vicinity of the occurrence but, this fact, itself, does not show the complicity of the petitioners in killing of the husband of the informant. The informant named the accused persons and made specific allegation that Bajrangi Mandal and Rabindra Mandal fired which hit in the temple of the husband of the informant who died.

Learned APP however opposed the prayer for anticipatory bail of the petitioners and submitted that in paragraph – 21 of the case diary, it has come that the petitioners were also found in the vicinity of the place of occurrence.



It appears that the informant does not name the petitioners even in the protest petition the informant did not disclose the name of the petitioners. During course of investigation, the name of the petitioners transpired only because the petitioners were found in the company of Bajrangi Mandal few hours before near the place of occurrence.

Considering the facts aforesaid, the petitioners above named in the event of their 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 are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in Jagdishpur P.S. Case No. 191 of 2016, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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