

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31050 of 2017

Arising Out of PS. Case No.-199 Year-2016 Thana- BHAWANIPUR District- Purnia

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1. Pradeep Mandal S/o Late Mohit Lal Mandal
 2. Deepak Mandal S/o Sri Girish Lal Mandal Both are resident of Village - Sripur Motichak, P.S. - Bhawanipur, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Advocate
For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 12-09-2017 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

Petitioners are languishing in judicial custody since 17.02.2017 in connection with Sessions Trial No. 222 of 2017, arising out of Bhawanipur P.S. Case No. 199 of 2016 pending in the Court of learned Additional Sessions Judge 1st, Purnea registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while his father had gone for natural call at 8:00 A.M., petitioners armed with wooden hammer assaulted his father by means of the said wooden hammer and also fists and slaps, as a result, his father got seriously injured and while taking him to



the hospital, he succumbed to the injuries.

It has been submitted by the learned counsel for the petitioners that the matter relates to land dispute, informant's father and petitioner no.1 are own brothers and present case is counter blast to Bhawanipur P.S. Case No. 79 of 2013 and Bhawanipur P.S. Case No. 35 of 2015. Both petitioner no.1 and the informant's side were co-sharer of the same property. He submits that none of the witnesses has seen the occurrence and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution witnesses.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the informant on hulla has seen the occurrence and there is direct allegation upon the petitioners.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of bail to the petitioners at this stage. This application is, accordingly, rejected.

(Nilu Agrawal, J.)

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