

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5282 of 2017

Arising Out of PS.Case No. -236 Year- 2016 Thana -AJAMNAGAR District- KATIHAR

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1. Suresh Mandal, Son of Late Narayan Mandal.
2. Jagarnath Mandal, Son of Late Narayan Mandal, Both resident of
Village - Gogra, P.S. Azam Nagar (Salmari O.P.), District- Katihar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Mr. Smt. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

4 28-03-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are accused in connection with Azam
Nagar (Salmari O.P) P.S. Case No. 236 of 2016 registered under
Sections 302 and 307/34 of the Indian Penal Code and 27 of the
Arms Act pending in the Court of Judicial Magistrate 1st Class,
Katihar.

Learned counsel for the petitioners submits that they
have been falsely implicated in the present case. The fact is that
the deceased was a veteran criminal and due to enmity they have
been dragged in the present case.

Learned A.P.P. appearing on behalf of the State



opposed the prayer of the petitioners with submission that Md. Tanvir, in para 9, of the case diary stated that petitioner no. 1 fired upon the deceased which corroborates the post-mortem report and petitioner no. 2 was his associate.

Having considered the facts and circumstances of the case and nature of allegation, I am not inclined to allow the prayer of the petitioners for bail. Accordingly, this application is rejected.

However, considering the nature of allegation against the petitioner no. 2, he may renew his prayer for bail after framing of charge.

(Arvind Srivastava, J)

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