

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17439 of 2017

Arising Out of PS.Case No. -37 Year- 2016 Thana -HARLAKHI District- MADHUBANI

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1. Shankar Kumar Mandal Son of Mahendra Mandal, Resident of Ward No.01, Nagraria, P.S.- Jathi , District- Dhanusa (Nepal).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Soban Asghar, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar -2, A.P.P.L

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 21-06-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner is languishing in custody since Sessions Trial No. 357/2016, G.R. No. 172 of 2016 arising out of Harlakhi P.S.Case No. 37 of 2016 for the offences alleged under Sections 459, 382 and 302 of the Indian Penal Code.

The prosecution case as lodged by the informant is that on 17.03.2016 a thief had entered into the house of the informant and the husband of the informant (deceased) caught him and created hulla upon which thief had thrown him on the ground and he became senseless and ultimately the husband of the informant died.

It has been submitted by the learned counsel for the



petitioner that he is innocent and has been falsely implicated in the aforesaid case only on the basis of suspicion. It is further submitted that the petitioner has no criminal antecedent and that he was caught by the villagers to confine and he was brutally assaulted .It is further submitted that charge sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State vehemently opposes the prayer for bail stating therein that the petitioner was caught raid handed while stealing in the house of the informant has also admitted in par-31 of the case diary that he has pushed the deceased (husband of the informant).

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner.

The bail application of the petitioner is hereby rejected.

(Nilu Agrawal, J)

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