

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28713 of 2017

Arising Out of PS.Case No. -2 Year- 2017 Thana -DHORAIYA District- BANKA

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1. Sunil @ Sunil Mandal Son of Bhola Mandal Resident of Village-
Bhatsar, P.S. Dhoraiya, District Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiwesh Chandra Mishra

For the Opposite Party/s : Mr. Sri Ajay Kumar -2

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 21-08-2017 Heard both sides.

The petitioner apprehends his arrest in Dhoraiya P.S.
case No. 2 of 2017 for the offences punishable under Section
302/34 of the Indian Penal Code and under Section 27 of the Arms
Act.

The wife of the deceased named the petitioner along
with other accused persons and alleged that petitioner and
Diwakar had came to her house in the previous night in search of
her husband and her husband also disclosed that he would go to
river to get sand but dead body of her husband was found in an
orchard.

Sri Shivesh Chandra Mishra, the learned counsel for
the petitioner, submits that save and except suspicion there is no



material against the petitioner. Nobody has seen the occurrence. The petitioner has got no criminal antecedent. The petitioner is driver of one of the vehicles but from perusal of the records it appears that petitioner is named in the FIR. During the course of investigation witnesses have also stated that Pramod Mandal, father of the deceased, instigated the petitioner and two others, namely, Diwakar and Bindeshwari Mandal to kill and thereafter Dharmendra Mandal, husband of informant, was killed. The anticipatory bail petition of Bindeshwari Mandal has already been rejected vide order passed in Cr. Misc. No. 20403 of 2017 and the case of petitioner stands on the same footing.

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

If the petitioner surrenders in the court below, the learned court below shall consider the prayer for regular bail of the petitioner on its own merit without being prejudiced from the order of this court.

(Prabhat Kumar Jha, J)

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