

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36171 of 2017

Arising Out of PS.Case No. -79 Year- 2017 Thana -KHARIK District- BHAGALPUR

- =====
1. Lalit Narain Mandal @ Lilo Mandal, son of late Ram Vilash,
 2. Bahadur Mandal,
 3. Barun Mandal alias Tarun Mandal, both sons of Lalit Narain Mandal alias Lilo Mandal, all residents of village- Bahatara, Police Station- Parbatta, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri, Advocate

For the Opposite Party/s : Mr. Ram Bachan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6/ 31-01-2018

Counsel for the petitioner has submitted that petitioner no.2, Bahadur Mandal, has been arrested during the pendency of this application and seeks permission to withdraw the application in so far as it relates to petitioner no.2.

In view of such, the application is dismissed as withdrawn in so far as it relates to petitioner no.2-Bahadur Mandal.

Heard learned counsel for the petitioner nos.1 and 3 and learned APP for the State.

Petitioner nos.1 and 3 apprehend their arrest in **Kharik P.S. Case No.79 of 2017** instituted for the offence under Section(s) 302, 120-B/34 Indian Penal Code pending in the Court of the **Additional Chief Judicial Magistrate, II, Navgachiya, Bhagalpur.**



In the written report, it is alleged that petitioner nos.1 and 3 along with other accused persons as named in the written report and 4-5 unknown persons intercepted son of the informant when he was going to school and caused gun shot injury on his chest and he died at the spot. The informant was intimated by the local police. Thereafter, he went to the place of occurrence and found his son dead.

Post mortem report is available along with the case diary, wherein, the doctor has opined that death has been caused due to fire arm injury. The doctor has also found fire arm injury on the person of the deceased.

There is specific allegation against theses petitioners.

In such circumstances, this Court does not find it a fit case for grant of anticipatory bail.

Prayer of the petitioner nos.1 and 3 for grant of anticipatory bail is **rejected**.

Petitioners may surrender before the Court below and seek regular bail, which shall be considered and disposed off in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

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