

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76906 of 2018

Arising Out of PS. Case No.-10 Year-2018 Thana- EKCHARI District- Bhagalpur

Kapil Mandal Son of late Babu Lal Mandal, Resident of Rani Diyara, P.S. Ekchari, and District-Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madan Mohan, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 11-04-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the offence punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act in connection with S.T. No.642 of 2018, arising out of Ekchari P.S. Case No.10 of 2018.

Informant is the eyewitness of the occurrence. For land dispute co-accused Mukul Mandal fired at Dilip Mandal causing injury and death and this petitioner fired causing death of husband of the informant, namely, Police Mandal. The witnesses of nearby locality, who reached on hearing sound of firing, saw the dead body and informant disclosed to them about the occurrence and the assailants.

Learned counsel for the petitioner submits that



petitioner is in custody since 17.04.2018. The record would reveal that first inquest report was prepared and thereafter post mortem was done and thereafter on the same day FIR was lodged. His contention is that in fact no one had seen the occurrence of murder which took place in the field side and for land dispute this false case has been lodged.

Considering the nature of allegation, I am not inclined to enlarge the petitioner on bail. Hence, the prayer for bail is refused.

(Birendra Kumar, J)

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