

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 29257 of 2019

Arising Out of PS. Case No.-501 Year-2018 Thana- JAMUI District- Jamui

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Surendra Kumar @ Surendra Mandal @ Pappu Mandal, Son of Narayan Mandal Resident of Village - Santhu, P.S. and District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vikramdeo Singh, Advocate.
		Mr. Satya Prakash Parasar, Advocate.
For the Informant	:	Mr. Akash Raj, Advocate.
For the Opposite Party/s	:	Mr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 07-05-2019 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 302/34 and 120-B of the Indian Penal Code.

Nine named accused persons including the petitioner slapped and fisted the informant and his brother and on the exhortation of the petitioner, Dinesh Mahto resorted firing upon the eye of the informant which proved fatal.

Learned counsel for the petitioner submitted that no such occurrence as alleged ever took place. The petitioner is quite innocent and has been falsely implicated in this case. He does not happen to be assailant. There is no specific allegation against the petitioner. Similarly situated co-accused Gautam Kumar @ Gautam Mahto and Prakash Matho have been enlarged on anticipatory bail by this Court.



Per contra, learned counsel for the informant and learned APP for the State vehemently opposing the bail petition submitted that the case of the petitioner stands on different footing. Petitioner happen to be order giver and on the order of the petitioner other accused persons slapped and fisted the informant and his brother while Dinesh Mahto assaulted the victim by means of pistol. The dispute between the petitioner and the deceased is pending since long. Petitioner has criminal antecedents and four criminal cases are pending against him, hence, he does not deserve bail.

Considering the facts and circumstances of case and particularly considering the criminal antecedents, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected. However, the petitioner is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

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(Prakash Chandra Jaiswal, J)

