

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30366 of 2019

Arising Out of PS. Case No.-163 Year-2012 Thana- NARPATGANJ District- Araria

1. DEO NARAYAN MANDAL Son of Hakaru Mandal Resident of Village- Simraha Colony, P.S.- Simraha, District- Araria.
2. Shiv Narayan Mandal Son of Hakaru Mandal Resident of Village- Simraha Colony, P.S.- Simraha, District- Araria.
3. Jai Narayan Mandal Son of Hakaru Mandal Resident of Village- Simraha Colony, P.S.- Simraha, District- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Mukesh Kumar Rana
For the Opposite Party/s :	Mr.Arun Kumar Pandey (App

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

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

The petitioners apprehend their arrest in connection with Narpatganj P.S. Case No. 163 of 2012, registered for the offences punishable under Sections 324, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

Petitioners are said to have intercepted the informant and on the order of the petitioners Shiv Narayan Mandal and Jai Narayan Mandal, petitioner Deo Narayan Mandal fired upon him inflicting firearm injury to the informant.

It is submitted by learned counsel for the petitioners



that no such occurrence as alleged ever took place. Petitioners have no concern with the aforesaid occurrence. They have been falsely implicated in this case due to land dispute. There is case and counter case between the parties. After completion of investigation police has submitted final report against the petitioners, but learned magistrate has taken cognizance only under Section 324, 307/34 of the I.P.C. and not under Arms Act. Petitioners have no criminal antecedent.

On the other hand, learned A.P.P vehemently opposed the bail petition of the petitioners and submitted that petitioners No. 2 and 3 happen to be order-giver. There is direct allegation of firing upon the informant against the petitioner Deo Narayan Mandal and on perusal of the impugned order, it appears that informant has sustained fire-arm injuries, grievous in nature, hence petitioners do not deserve bail.

Having regard to the facts and circumstances of the case, the Court is not inclined to grant anticipatory bail to the petitioner No.1, namely Deo Narayan Mandal. Accordingly, prayer for anticipatory bail of petitioner No. 1 Deo Narayan Mandal is hereby rejected.

As petitioners No. 2 and 3 happen to be mere order-giver and allegation levelled against these petitioners is general



and omnibus in nature, let the above named petitioners No. 2 and 3, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria, in connection with Narpatganj P.S. Case No.163 of 2012, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

The present application stands disposed of.

(Prakash Chandra Jaiswal, J)

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