

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46189 of 2019

Arising Out of PS. Case No.-10 Year-2019 Thana- CHAUSA District- Madhepura

Prakash Mandal aged about 40 years (Male), S/o Jagdeo Mandal R/o village-
Arajpur Bhitha Tola, P.S.- Chousa, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate

For the State : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 11-12-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Chousa
PS Case No. 10 of 2019 dated 10.01.2019 instituted under
Sections 302/120B of the Indian Penal Code and 27 of the Arms
Act.

3. The allegation against the petitioner and nine other
named and various unknown is of killing the husband of the
informant.



4. Learned counsel for the petitioner submitted that he is the brother of the deceased and has been named along with his son due to family feud but the allegations are without any basis. It was submitted that nobody has identified the culprits as it was dark at night and also that the story in the FIR is falsified to the extent where it is alleged that the petitioner along with others had taken away the deceased from his house whereas, the person who was with the deceased and had witnessed the incident, though not recognizing the culprits, has stated that the victim was sleeping near him and because of torchlight being shown in his eyes, he could not recognize any person.

5. Learned APP, from the case diary, submitted that witnesses have stated with regard to land dispute with the deceased and the petitioner and they being brothers, such incident has occurred. It was submitted that witnesses have also stated that due to village politics where the local *Mukhiya* used to support the petitioner, the deceased had sold his property and moved to another place with his family and had retained only two bighas of land where he had a temporary shed for living. It was submitted that the motive is strong as the petitioner wanted the deceased to go away leaving behind the two bighas of land belonging to him.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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